

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE

1909

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June 28, 1820, February 18, 1840, and March 16, 1842

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1909

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fourth
Legislature

1909

CHAP. 361

Penalty.

Section 2. Any person who violates any provision of this act shall be punished by a fine of not less than three hundred dollars nor more than five hundred dollars for each offense.

Approved April 1, 1909.

Chapter 361.

An Act to amend Section one of Chapter one hundred sixty-nine of the Special Laws of nineteen hundred and three relating to the Young Women's Christian Association of Portland, Maine.

Be it enacted by the People of the State of Maine, as follows:

Section 1,
Chapter
169,
special
laws, 1903,
amended.

Section 1. Section one of chapter one hundred sixty-nine of the special laws of nineteen hundred and three is hereby amended by substituting for the word "fifty" in the sixth line of said section the words 'one hundred', so that said act as amended shall read as follows:

May hold
by deed,
bequest or
otherwise,
property to
the amount
of \$100,000.

'Section 1. The Young Women's Christian Association of the city of Portland, Maine, a corporation organized under the laws of this state and located at said Portland in said county of Cumberland is hereby authorized and empowered to hold by deed, devise, bequest or otherwise, property, personal and real to the amount of one hundred thousand dollars.

Certain
acts and
doings,
made valid.

Section 2. The acts and doings of the meeting of said corporation held on the twelfth day of May, in the year of our Lord nineteen hundred and two, are hereby ratified, confirmed and declared to be legal and valid.

Approved April 1, 1909.

Chapter 362.

An Act to amend the Charter of the City of Augusta with reference to Augusta Municipal Court.

Be it enacted by the People of the State of Maine, as follows:

Section 11,
of charter
of the city
of Augusta,
amended.

Section 1. Section eleven of the charter of the city of Augusta, which was numbered as section thirteen in chapter three hundred and seventy-three of the private and special laws of nineteen hundred and five, is hereby amended so as to read as follows:

Municipal
court.

'Section 11. There shall be and hereby is established a court, to be denominated the municipal court of the city of Augusta, which shall be a court of record, with a seal, to consist of one judge, who shall have concurrent jurisdiction with justices of the peace in all matters, civil and criminal, within the county

—juris-
diction of
court.

of Kennebec, and original and exclusive jurisdiction in all civil actions now triable before a justice of the peace in which both parties interested, or in which the party plaintiff and the person or persons summoned as trustees, shall be inhabitants of, or residents in said city, excepting all actions in which said judge may be interested; and he shall have concurrent jurisdiction with trial justices, in all cases of forcible entry and detainer arising in said county, and original and exclusive jurisdiction in all such cases arising in said city, and said judge shall have jurisdiction of all cases of simple larceny arising in said county, wherein the property, alleged to have been stolen, shall not exceed in value the sum of fifty dollars; and shall have power to try the same and award such sentence upon conviction, as by law provided for such offense. Said judge shall also have jurisdiction of all cases of simple larceny arising in said county, in said county, wherein the property, money, or other thing alleged to have been fraudulently obtained or sold is not alleged to exceed in value the sum of fifty dollars, and shall have power to try the same and award sentence upon conviction by fine not exceeding fifty dollars, or by imprisonment in the county jail, or to hard labor in the house of correction, for a term not exceeding ninety days; and on a second conviction, by fine not exceeding one hundred dollars, or by imprisonment for not more than six months. Provided, however, that the several justices of the peace in said city shall continue to have and exercise all the power and authority in them vested by the laws of the United States. And the said judge shall also have exclusive jurisdiction of all offenses against the by-laws and regulations which may be established by the city council of said city; and may, on conviction thereof, award such sentence as to law and justice may appertain, and in declarations for violations of by-laws or ordinances, the by-laws and ordinances need not be set forth; and any person aggrieved by any judgment awarded by said judge, may appeal therefrom to the superior court for the county of Kennebec, under the restrictions and conditions that the law requires in appeals from judgments awarded by any trial justice. Said court shall also have original jurisdiction, concurrent with the superior court, of all civil actions at law, except complaints for flowage, real actions and trespass, quare clausum, in which the debt or damages demanded, exclusive of cost, does not exceed two hundred dollars, in which any party defendant or a person summoned in good faith and on probable grounds as trustee, resides in the

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county of Kennebec or having his residence beyond the limits of this state is served with process within said county. If any defendant, his agent or attorney in any action in said court, in which the debt or damages claimed in the writ exceeds twenty dollars, shall appear at the first term and on or before the first day of the second term, file in said court an affidavit that he has a good defense to said action and intends in good faith to make such defense and claims a jury trial, the said action shall be removed into and entered at the next term of the superior court for said county. And the judge or recorder of said municipal court on payment to him of the entry fee in said superior court by the plaintiff, shall forthwith cause the original writ and all other papers in the case to be filed in the clerk's office of said superior court. Any party may appeal from any judgment or sentence of said municipal court to the superior court in the same manner as from a judgment of a trial justice.

—appeals from judgment of said court.

—costs and fees to be allowed, amount of.

The costs and fees allowed to parties and attorneys in civil actions before said court, in which the debt or damages recovered do not exceed twenty dollars shall be the same as are allowed before trial justices, except that the plaintiff, if he prevails, shall be allowed two dollars for his writ, and the defendant, if he prevails, shall be allowed one dollar for his pleadings. In all actions in which the amount recovered exceeds twenty dollars, the costs and fees of parties and attorneys shall be the same as in the superior court. Copies of the records of said court duly certified, shall be evidence in other courts.'

Section 12, amended.

Section 2. Section twelve of the charter of the city of Augusta, which was numbered as section fourteen in chapter three hundred and seventy-three of the private and special laws of nineteen hundred and five, is hereby repealed and the following section enacted in lieu thereof.

Recorder, appointment of.

'Section 12. The governor with the advice and consent of his council, shall appoint a recorder who shall be a justice of the peace for said county duly qualified, and who shall be duly sworn, and in case of the absence, sickness, or disqualification of the judge, or in the event of a vacancy of the office of judge, or at any other time at the request of said judge in order to expedite business, shall have the same powers as said judge. Said recorder shall be appointed for a term of four years, and as compensation in full for his services shall receive four hundred dollars per year, payable by the city of Augusta in the same manner as the salary of said judge.'

—duties of recorder.

—tenure of office.

—salary of recorder.

Section 13, amended.

Section 3. Section thirteen of the charter of the city of Augusta, which was numbered as section fifteen in chapter

three hundred and seventy-three of the private and special laws of nineteen hundred and five, is hereby amended so as to read as follows:

'Section 13. The compensation of the judge in full for all services, commencing April first, nineteen hundred and nine, shall be eighteen hundred dollars per annum, payable quarterly from the treasury of the city of Augusta. The fees paid to and received by said court in criminal cases shall be paid quarterly into the county treasury; and no salary shall be paid to said judge until he shall file with the city treasurer a written statement of the fines and criminal fees by him paid to the county treasurer during and for the preceding quarter. Neither the judge nor the recorder shall act as counsel or attorney in any case within the jurisdiction of said court, nor in any suit, matter or thing which may depend on, or have relation to any such case, matter or thing depending or recognizable in said court.'

Compensation of judge.

—fees to be paid into county treasury.

—shall not act as counsel.

Section 4. Section fourteen of the charter of the city of Augusta, which was numbered as section sixteen in chapter three hundred and seventy-three of the private and special laws of nineteen hundred and five, is hereby amended so as to read as follows:

Section 14, amended.

'Section 14. The said court shall be held on the first and third Monday of each month, at nine of the clock in the forenoon, for the transaction of civil business, and all civil processes shall be made returnable at that time. All warrants alleging any offense to have been committed within said city or within the town of Chelsea shall be made returnable before said court. No justice of the peace or trial justice residing in said city, the recorder excepted, shall take cognizance of, or exercise jurisdiction over any crime or offense, or in any civil actions, except under the authority of the United States, wherein the judge is not a party or interested, except in the absence or disability of said judge and recorder, under a penalty of twenty dollars to be recovered on indictment.'

Terms of court, when held.

Section 5. Section sixteen of the charter of the city of Augusta, which was numbered as section eighteen of chapter three hundred and seventy-three of the private and special laws of nineteen hundred and five, is hereby repealed.

Section 16, repealed.

Section 6. Section seventeen of the charter of the city of Augusta, which was numbered as section nineteen of chapter three hundred and seventy-three of the private and special laws of nineteen hundred and five, is hereby repealed so far as it relates to the city of Augusta.

Section 17, repealed so far as relates to city of Augusta.

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Section 18,
amended.

Section 7. Section eighteen of the charter of the city of Augusta, which was numbered as section twenty of chapter three hundred seventy-three of the private and special laws of nineteen hundred and five, is hereby amended so far as it relates to the city of Augusta, so as to read as follows:

Fees in
criminal
cases, how
allowed
and taxed.

—proviso.

‘Section 18. All fees for criminal cases shall be allowed and taxed as in behalf of trial justices and shall, together with the fees paid in by said judge to the county treasury, be annually paid to the city of Augusta; provided, however, that if the amount of such fees so allowed and the fees paid in by said judge during the year shall exceed the amount of his annual salary, such excess shall revert to the county and be covered into the county treasury. The word fees as used in this section includes all fees fixed by law in criminal cases including fees for copies. All fees paid to and received by such judge in civil cases commencing with April first, nineteen hundred and nine, shall be paid semi-annually into the treasury of the city of Augusta. All blanks for criminal cases used by such court shall be furnished by the county, and all blanks for civil cases used by said court shall be furnished by the city of Augusta. The provisions of section one of chapter one hundred and thirty-three of the revised statutes shall not apply to the city of Augusta while this charter is in force.’

—fees in
civil cases,
how dis-
posed of.

—blanks,
how fur-
nished.

Section 25,
amended.

Section 8. Section twenty-five of the charter of the city of Augusta, which was numbered as section twenty-seven in the private and special laws of nineteen hundred and five, is hereby amended so as to read as follows:

Seizure of
intoxicat-
ing liquors,
fees how
taxed.

‘Section 25. Whenever in said county, intoxicating liquors are seized, with or without a warrant, under any of the provisions of chapter twenty-nine of the revised statutes, the fees of the marshal, deputy marshal, police officer, or constable, on the warrant or libel issued thereon, shall be taxed and allowed in the manner now provided by law, and shall be paid to them from the county treasury; and such fees, so paid, shall not be included in the fees required by this charter to be paid to the city or town, but shall be in addition to the salaries, or compensation paid to such officer. When, however, such liquors are seized in transit, and on final hearing are ordered returned to the claimant, the fees of the marshal, deputy marshal, police officer and constable, on the warrant and libel issued thereon, shall be subject to the provisions of section nineteen of this charter and disposed of as therein provided. Whenever on such warrant or libel, where intoxicating liquors have been seized, the county commissioners do not al-

—liquors
seized in
transit.

low the costs as taxed by the magistrate, the person aggrieved may appeal to the judge of the superior court for said county, whose decision shall be final.'

Section 9. Section twenty-six of the charter of the city of Augusta, which was numbered as section twenty-eight in chapter three hundred and seventy-three of the private and special laws of nineteen hundred and five, is hereby amended so as to read as follows:

Section 26,
amended.

'Section 26. All existing acts, public and private, inconsistent with the eight preceding sections, are hereby modified, so far as relates to the city of Augusta, so as to conform with their provisions.'

Incon-
sistent acts
modified.

Approved April 1, 1909.

Chapter 363.

An Act authorizing the City of Bangor to levy Assessments for Street Improvements.

Be it enacted by the People of the State of Maine, as follows:

Section 1. Whenever the city council of the city of Bangor shall have determined that a permanent improvement should be made, by the construction, repair, alteration, renewal, or reconstruction of any sidewalks or street gutter, and shall have caused the same to be made, it shall be the duty of the municipal officers of said city to proceed to cause a part of the cost of such improvement not exceeding one-half of the whole cost, after reasonable notice and hearing, to be apportioned and assessed upon abutting, adjacent, or other property or estates specially benefited thereby, and the amount of the assessment upon each estate or other property shall be determined by the board of street engineers, and as soon as may be thereafter, said municipal officers shall cause a list of the assessments so made and submitted to them to be revised or amended after notice and hearing, if they see fit, and accepted, adopted and certified to the board of assessors.

Author-
ized to levy
assess-
ments for
street im-
prove-
ments.

Section 2. The assessors shall include such assessments in the tax list and warrant committed by them to the collector of taxes for that municipal year, and it shall be included in the annual tax bill, or if the estate is otherwise exempt from taxation, it shall be rendered as a special tax bill. Such assessment shall become payable in the same manner as, and shall be a part of the tax for that year on such estate, except as otherwise herein provided; but the assessors shall make no abatement thereof except upon the recommendation of the

Assess-
ments
shall be
included in
tax list and
warrant
commit-
ted to col-
lector.

—abate-
ments.