

# 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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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fourth  
Legislature

1909

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**Chapter 367.**

An Act to amend Chapter four hundred and one of the Private and Special Laws of eighteen hundred and eighty-nine, relating to Waterville Trust Company.

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

Chapter four hundred and one of the private and special laws of eighteen hundred and eighty-nine is hereby amended by striking out the word "five" in the seventh line of section ten of said act, and inserting in its stead the word 'seven' so that said section as amended shall read as follows:

Chapter  
401, special  
laws, 1889,  
amended.

'Section 10. All the corporate powers of this corporation shall be exercised by a board of directors, whose number and term of office shall be determined by vote of the shareholders at the first meeting held by the incorporators and at each annual meeting thereafter. The affairs and powers of the corporation may, at the option of the shareholders, be entrusted to an executive board of seven members, to be, by vote of the shareholders, elected from the full board of directors. A majority of said board shall reside in this state.'

Board of  
trustees,  
how chos-  
en.

—execu-  
tive board.

Approved April 1, 1909.

**Chapter 368.**

An Act to amend an Act relating to the Police Court for the City of Rockland.

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

Section 1. Chapter one hundred and fourteen of the private and special laws of the year nineteen hundred and three is hereby amended by inserting after the word "judge" in the sixth line of section one, the words 'also a recorder who shall be a citizen of Knox county, to be appointed by the governor, by and with the consent of the council, commissioned and qualified in the manner provided by law, so that said section as amended, shall read as follows:

Chapter  
114, special  
laws, 1903  
amended.

'Section 1. There is hereby established in the city of Rockland, a court to be denominated the police court for the city of Rockland, to consist of one judge, who shall be appointed, commissioned and qualified in the manner provided by the constitution of this state, and be a citizen of said city, and so continue while he remains in office. Also one recorder who shall be a citizen of Knox county, to be appointed by the governor, by and with the consent of the council, commissioned and qualified in the manner provided by law. Said police

Rockland  
police court  
estab-  
lished.

## CHAP. 368

—seal, and  
court of  
record.

Section 2,  
Chapter  
114, special  
laws, 1903,  
amended.

Juris-  
diction.

—concur-  
rent juris-  
diction  
with su-  
preme  
judicial  
court when  
debt is  
above \$20  
and does  
not exceed  
\$300.

—excep-  
tions.

—shall not  
include  
actions  
when titles  
to real es-  
tate is in  
question.

court shall be a court of record with a seal to be affixed to all original processes issued therefrom. The present judge shall continue in office until the end of the term for which he was appointed.'

Section 2. Section two of said chapter is hereby amended by striking out "judge" in the first line and inserting 'court'; by adding 'concurrent' before "jurisdiction" in the second line; by striking out all after "justices" in the fourth line to "and" in the seventh line; by striking out from the seventeenth line the words "one hundred dollars" and by inserting in place of same the words 'three hundred dollars'; by striking out from the nineteenth line the words "one hundred dollars" and by inserting in place of same the words 'three hundred dollars' and by striking out from the twenty-first line the words "one hundred dollars" and by inserting in place of same the words 'three hundred dollars,' so that said section as amended, shall read as follows:

'Section 2. Said court shall, except where interested, exercise concurrent jurisdiction over all such matters and things, civil and criminal, within the county of Knox, as justices of the peace or trial justices; and exclusive jurisdiction in all such matters and things where both parties interested, or the plaintiff and the person or persons summoned as trustees, shall be inhabitants of or residents in said city; and said court shall also have exclusive jurisdiction over all such criminal offenses committed within the limits of said city, as are cognizable by justices of the peace or trial justices, and under similar restrictions and limitations. And said court shall have concurrent jurisdiction with the supreme judicial court in all personal actions where the debt or damage demanded, exclusive of costs, is over twenty dollars and not over three hundred dollars, and in all actions of replevin when it appears that the sum demanded for the penalty, forfeiture, or damages does not exceed three hundred dollars or that the property in the beasts or other chattels is in question and the value thereof does not exceed three hundred dollars and either defendant, or the person summoned as trustee is resident in Knox county; but this jurisdiction shall not include proceedings under the divorce laws or complaints under the mill act, so called, nor jurisdiction over actions in which the title to real estate according to the pleadings filed in the case by either party is in question except as provided in chapter ninety-four, sections six and seven of the revised statutes. If any defendant, in any action in said court where

the amount claimed in the writ exceeds twenty dollars or his agent or attorney shall, on the return day of the writ, file in said court a motion asking that said cause be removed to the supreme judicial court and deposit with the judge the sum of two dollars for copies and entry fee in said supreme court, to be taxed in his costs if he prevails, the said action shall be removed into the supreme judicial court for said county, and the judge shall forthwith cause certified copies of the writ, officers return and defendant's motion to be filed in the clerk's office of the supreme judicial court, and shall pay the entry fee thereof; and said action shall be entered on the docket of the term next preceding said filing, unless said court shall then be in session, when it shall be entered forthwith, and shall be in order for trial at the next succeeding term. If no such motion is filed, the said police court shall proceed and determine said action, subject to the right of appeal in either party as hereinafter provided. The pleadings in such case shall be the same as in the supreme judicial court. In any action in which the plaintiff recovers not over twenty dollars debt or damage, the cost to be taxed shall be the same as before trial justices, except that the plaintiff shall have two dollars for his writ. Where the defendant prevails in any action in which the sum claimed in the writ is not over twenty dollars, he shall recover two dollars for his pleadings and other costs as before trial justices. In actions where the amount recovered by the plaintiff, exclusive of costs, exceeds twenty dollars, or the amount claimed exceeds twenty dollars, where the defendant prevails, the costs of parties, trustees and witnesses shall be the same as in the supreme judicial court, except the costs to be taxed for attendance shall be two dollars and fifty cents for each term not exceeding three terms, and for trial of issue, eighty cents. All the provisions of the statutes of this state relative to the attachments of real and personal property and the levy of executions, shall be applicable to actions in this court, and executions on judgments rendered therein. Actions may be referred and judgments on the referees' report may be rendered in the same manner and with the same effect as in the supreme judicial court.'

—how actions may be removed to supreme judicial court in certain cases.

—costs, how taxed.

—costs.

Section 3. Section six of said chapter is hereby amended by inserting in the sixth line, after the word "judge," the words 'or recorder,' so that said section, as amended, shall read as follows:

'Section 6. The several justices of the peace in said city shall continue to have and exercise all the power and author-

Section 6, Chapter 114, special laws, 1903, amended.

Jurisdiction of justices of the

## CHAP. 338

peace and  
trial jus-  
tices re-  
stricted.

—excep-  
tions.

Section 8,  
Chapter  
114, special  
laws, 1903,  
amended.

Fines and  
forfeit-  
ures shall  
be paid to  
county  
treasurer.

Section 9,  
Chapter  
114, special  
laws, 1903,  
amended.

Terms of  
court, when  
held.

ity vested in them by the laws of the United States; but no justice of the peace, nor any trial justice of said Knox county, shall exercise any civil or criminal jurisdiction otherwise, except as hereinafter provided, unless in civil cases where the said judge or recorder is interested, under a penalty of twenty dollars for each offense, to be recovered by indictment in any court proper to try the same; but nothing in this act shall be construed to prevent said justices of the peace or trial justices, administering oaths, taking acknowledgements of deeds and other writings, acting as arbitrators or referees, or doing any business other than that especially devolving upon said court.'

Section 4. Section eight of said chapter is hereby amended by striking from the first line thereof the word "judge" and inserting in place of the same the word 'recorder,' so that said section, as amended, shall read as follows:

'Section 8. The recorder of the police court in the city of Rockland shall render an account of, and pay over all fines and forfeitures by him received upon convictions and sentences before said court, to the treasurer of the county of Knox within six months after he receives the same, and for any neglect, he shall forfeit and pay in each instance, double the amount, to be recovered in an action of debt in the name of the county treasurer.'

Section 5. Section nine of said chapter is hereby amended by striking from the tenth line the word "judge" and inserting in place of the same the word 'recorder,' by inserting in the thirteenth line, after the word "judge" the words 'or recorder' and by striking out all of said section following the word "justices" in the seventeenth line and inserting in place thereof the following: 'The price of blank writs and summonses with the seal of the court and signed by the recorder, shall be three cents; for every warrant issued in criminal cases there shall be allowed one dollar. All writs and processes in civil matters shall be in the name of the state, bear the teste of the judge, under the seal of said court, and signed by the recorder, be served in time and manner as now provided by law in cases of writs issued by trial justices and be obeyed and executed throughout the state. The recorder shall keep an account of said fees and pay the same quarterly into the treasury of the county of Knox,' so that said section as amended shall read as follows:

'Section 9. Said police court shall be holden on the first Tuesday of each month, at nine o'clock in the forenoon, for

the transaction of civil business, except for actions of forcible entry and detainer which shall be held on each Tuesday at the hour aforesaid, and all civil processes shall be made returnable accordingly; said court shall be considered in constant session for the trial of criminal offenses; and said court may be adjourned from time to time at the discretion of the judge or recorder. Said court to be held at such place as such city shall provide for that purpose. It shall be the duty of the recorder of said court to make and keep the records of said court, or cause the same to be done and to perform all other duties required of similar tribunals; the copies of the records of said court, duly certified by the judge or recorder shall be legal evidence in any court of this state. The fees in all cases, civil and criminal before said court, except as provided in section two of this act, shall be the same as are now taxable by justices of the peace or trial justices. The price of blank writs and summonses with the seal of the court and signed by the recorder, shall be three cents; for every warrant issued in criminal cases there shall be allowed one dollar. All writs and processes in civil matters shall be in the name of the state, bear the teste of the judge under seal of said court, and signed by the recorder, be served in time and manner as now provided by law in cases of writs issued by trial justices and be obeyed and executed throughout the state. The recorder shall keep an account of said fees and pay the same quarterly into the treasury of the county of Knox.'

—recorder shall cause records to be kept.

—fees.

Section 6. Section ten of said chapter is hereby amended by striking out all of said section after the word "city" first appearing in the third line and inserting in place thereof the words 'the recorder may perform all acts and duties appertaining to said court during the continuance of such vacancy, and when such vacancy occurs all the proceedings and business pending in said court shall stand continued to the first Tuesday of the month next after such vacancy shall be filled. Whenever said judge shall be engaged in the transaction of civil business or be absent from the court room or the office shall be vacant, said recorder shall have and exercise the same powers and perform the same duties which said judge possesses and is authorized to perform in the transaction of criminal business. All processes issued by said recorder in criminal matters shall bear the seal of said court and be signed by said recorder and have the same authority as if issued and signed by said judge,' so that said section as amended shall read as follows:

Section 10, Chapter 114, special laws, 1903, amended.

## CHAP. 368

Recorder may act in cases of resignation, death or removal of judge's residence.

'Section 10. When the office of judge of said court shall be vacant in consequence of resignation, death or the removal of the judge's residence from said city, the recorder may perform all acts and duties appertaining to said court during the continuance of such vacancy and when such vacancy occurs all the proceedings and business pending in said court shall stand continued to the first Tuesday of the month next after such vacancy shall be filled. Whenever said judge shall be engaged in the transaction of civil business or be absent from the court room or the office shall be vacant, said recorder shall have and exercise the same powers and perform the same duties which said judge possesses and is authorized to perform in the transaction of criminal business. All processes issued by said recorder in criminal matters shall bear the seal of said court and be signed by said recorder and have the same authority as if issued and signed by said judge.'

Section 11, Chapter 114, special laws, 1903, amended.

Section 7. Section eleven of said chapter is hereby amended by striking from the seventh and eighth lines the words "any person that the judge may appoint" and inserting in place thereof the words 'the recorder,' and by striking out all of said section after the word "necessary" in the ninth line and in place thereof inserting the following, 'in case of sickness or other necessary absence of both judge and recorder, the criminal jurisdiction of said court shall devolve upon the trial justices of said city, if it have any, or if not, upon the trial justices of the adjoining towns and all proceedings instituted during that time shall be finally determined by the trial justices before whom the same are instituted, subject to regular right of appeal,' so that said section, as amended, shall read as follows:

In case of absence or disability of judge, court shall stand adjourned.

'Section 11. In case of sickness, absence from the city or other disability of the judge to attend at the regular times of holding said court for the transaction of civil business as provided in section nine, the said court shall stand adjourned until the next term, and so from term to term, without cost to either party, until the judge is able to attend; and during such sickness, absence or other disability the recorder may enter actions at the regular term and make such entries under them as necessary. In case of sickness or other necessary absence of both judge and recorder, the criminal jurisdiction of said court shall devolve upon the trial justices of said city, if it have any, or if not, upon the trial justices of the adjoining towns and all proceedings instituted during that time shall be finally determined by the trial justices before whom the same are instituted, subject to regular right of appeal.'

—in case of absence of both judge and recorder, trial justices may act.

## CHAP. 368

Section 8. Section twelve of said chapter is hereby amended by striking out the words "the writs and processes in civil actions, issued from said court, shall be the same as now provided by law, and shall be served in time and manner as now provided by law in case of writs issued by trial justices, and be obeyed and executed throughout the state, and," and by inserting after the word "judge" in the twentieth line the words 'or recorder,' so that said action as amended shall read as follows:

'Section 12. The costs and fees allowed to parties and attorneys in actions in this court shall be the same as allowed by law in actions before trial justices except as otherwise provided in this act. Said judge is hereby authorized to administer oaths, render judgment, issue executions, certify copies of its records, punish for contempt and compel attendance, and to make all such rules and regulations not repugnant to law as may be necessary and proper for the administration of justice and to facilitate its business, and the provisions of law relating to practice and proceedings in the aforesaid matters in the supreme judicial court in civil cases, are hereby extended to said court as far as applicable; and all acts relating to courts and judicial proceedings are hereby modified so as to give full effect to this act. The city marshal, the deputy marshal and the police officers of said city shall be in attendance on said court when requested to do so by the judge of recorder for the purpose of preserving order, and shall execute all legal orders to them directed by the court.'

Section 8½. Section thirteen of said chapter is hereby amended by striking out, after the word "from" in the sixth line, the words "said city" and by inserting in place thereof the words 'the county of Knox,' and by striking out after the word "of" in the eighth line, the word "eight" and inserting in place thereof the word 'twelve' and by striking out, from the ninth line, after the word "office," the words "except copies." and by inserting in the ninth line, after the word "judge" the words 'or recorder,' so that said section as amended shall read as follows:

'Section 13. Said city of Rockland shall have power and it shall be its duty to raise money to provide suitable room or rooms in which to hold said court, and to furnish same in an appropriate manner, including stationery, record books, fuel, lights and other things necessary to accommodate said court. The judge of said court shall receive from the county of Knox, in quarter-yearly payments, at the close of each

Section 12,  
Chapter  
114, special  
laws, 1903,  
amended.

Costs  
and fees  
allowed.

—powers of  
court.

—city mar-  
shal, depu-  
ty marshal  
and police  
officers  
shall attend  
when re-  
quested.

Section 13,  
Chapter  
114, special  
laws, 1903,  
amended.

City of  
Rockland  
shall pro-  
vide rooms  
for court,  
stationery,  
etc.

—salary of  
judge.

## CHAP. 368

—judge or recorder shall not act as attorney.

Section 14, Chapter 114, special laws, 1903, amended.

Governor shall appoint a recorder.

—recorder shall give bond.

—tenure.

—salary.

—powers of judge.

Section 15, Chapter 114, special laws, 1903, amended.

quarter, an annual salary of one thousand dollars which shall be in full for all fees pertaining to said office, and the judge or recorder of said court shall not act as counsel or attorney in any case within the exclusive jurisdiction of said court, nor in such matter or thing which may depend on or have relation to any case, matter or thing which has been or is pending in said court.'

Section 9. Section fourteen of said chapter is hereby amended by striking out all of said section and in place thereof inserting the words 'the governor, by and with the consent of the council shall appoint a recorder of said court who shall be a resident of Knox county and an attorney-at-law, who shall qualify in the manner provided by law and who shall give bond to the county of Knox in the sum of five hundred dollars to be approved by the county commissioners of said county. Said recorder shall be appointed for the term of four years and shall receive a salary of five hundred dollars per year to be paid quarterly from the treasury of said county of Knox. The recorder may administer oaths. He shall keep the records of said court. The signature of the recorder, as such, shall be sufficient evidence of his right to act instead of the judge in accordance with the provisions of this act or with the provisions relating to trial justices not conflicting with this act,' so that said section as amended shall read as follows:

'Section 14. The governor, by and with the consent of the council shall appoint a recorder of said court who shall be a resident of Knox county and an attorney-at-law, who shall qualify in the manner provided by law and who shall give bond to the county of Knox in the sum of five hundred dollars to be approved by the county commissioners of said county. Said recorder shall be appointed for the term of four years and shall receive a salary of five hundred dollars per year to be paid quarterly from the treasury of said county of Knox. The recorder may administer oaths. He shall keep the records of said court. The signature of the recorder, as such shall be sufficient evidence of his right to act instead of the judge in accordance with the provisions of this act or with the provisions relating to trial justices not conflicting with this act.'

Section 10. Section fifteen of said chapter is hereby amended by inserting before said section the words 'if the judge and recorder are both necessarily absent, the judge may designate some trial justice in said county to perform the duties of recorder and if such judge does not so designate a trial

justice the recorder may appoint one,' so that said section as amended shall read as follows:

'Section 15. If the judge and recorder are both necessarily absent, the judge may designate some trial justice in said county to perform the duties of recorder and if such judge does not so designate a trial justice the recorder may appoint one. Any trial justice of said city, if it has any, and if not, of either of the adjoining towns, may take cognizance of any action, matter or thing within the jurisdiction of a trial justice, wherein the judge of said court or recorder is a party interested.'

Judge may designate trial justice to perform duties of recorder.

—when judge or recorder is interested, action may be brought before trial justice.

Section 11. Section nineteen of said chapter is hereby amended by striking out all of said section and inserting in place thereof the words 'when this act shall take effect all writs and processes if otherwise properly brought, made returnable to terms of court held hereunder, shall be valid,' so that said section as amended shall read as follows:

Section 19, Chapter 114, special laws, 1903, amended.

'Section 19. When this act shall take effect all writs and processes if otherwise properly brought, made returnable to terms of court held hereunder, shall be valid.'

Writs and processes, valid.

Section 12. Section twenty is hereby added to read as follows:

Section 20, added.

'Section 20. Said court shall be known as the municipal as well as the police court for the city of Rockland, and all general laws using either designation shall be applicable thereto.'

Shall be known as municipal as well as police court.

Approved April 1, 1909.

**Chapter 369.**

An Act to change the tenure of office of the City Electrician of the City of Portland.

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

Section 1. Upon this act taking effect the city council of the city of Portland may elect a city electrician and define his duties by ordinance and fix his compensation. His term of office shall be five years from the taking effect of this act and until his successor is chosen and qualified. The term of office thereafter shall continue to be five years and until his successor is chosen and qualified. Any vacancy occurring in said office from whatsoever cause shall be filled by the city council for the unexpired term. The city electrician may be removed

City council may elect city electrician.

—term of office.

—vacancy, how filled.