

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE

1903.

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Published by the Secretary of State, agreeably to Resolves of June 28,  
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PUBLIC LAWS

OF THE

STATE OF MAINE.

1903.

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CHAP. 27**Chapter 27.**

An Act to amend Chapter fifty-two of the Public Laws of eighteen hundred and ninety-five, relating to the salary of the Register of Probate for the county of Penobscot.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

Salary of  
judge of  
probate,  
county of  
Penobscot,  
established.

—clerk hire.

—fees shall be  
paid into  
county  
treasury.

Section 1. From and after January one, nineteen hundred and three, the register of probate for the county of Penobscot shall receive an annual salary of fifteen hundred dollars, and an additional allowance of eight hundred dollars for clerk hire; said salary and allowance to be paid from the county treasury and to be instead of the salary and fees now provided by law, and all fees now received by said register as register of probate or register of insolvency shall be paid by said register into the county treasury for the use of the county.

Section 2. This act shall take effect when approved.

Approved March 4, 1903.

**Chapter 28.**

An Act to amend Chapter two hundred and thirty-six of the Public Laws of one thousand eight hundred and ninety-three, relating to the taking of lands or other property by Railroads.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

Chapter 236  
of public laws  
of 1893,  
amended.

Chapter two hundred and thirty-six of the public laws of one thousand eight hundred and ninety-three is hereby amended by striking out the words "railroad company" wherever the same occur and substituting in place thereof the words 'railroad or street railroad company,' so that said chapter as amended, shall read as follows:

County com-  
missioners  
shall have  
power to  
prescribe  
terms and  
conditions  
for use of  
property  
taken by  
railroads.

"The county commissioners in awarding damages for land or other property taken by any railroad or street railroad company shall have the power on the application of such railroad or street railroad company to prescribe such terms and conditions in all respects for the use of the land or property taken by the owners thereof and the railroad or street railroad company respectively as will secure the best accommodation of the owners and the proper and convenient use of the same by such railroad or street railroad company. They shall in their award set forth all such

terms and conditions so imposed by them. In case of appeal by either party the only question in issue shall be the amount or measure of damages on the terms and conditions imposed by the commissioners.'

Approved March 4, 1903.

### Chapter 29

An Act to correct an error in Chapter seventy-nine of the Public Acts of eighteen hundred and ninety-nine, and to amend Section two of Chapter sixty of the Revised Statutes, allowing divorces in state, provided libelee resides therein.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

Section 1. Section two of chapter sixty of the revised statutes, as amended by chapter one hundred and seventy-nine of the public laws of eighteen hundred and ninety-three, and by chapter seventy-nine of the public laws of eighteen hundred and ninety-nine, is hereby further amended by inserting after the word "proceedings" in the twelfth line of said section of the revised statutes, the following words, 'or if the libellee is a resident of this state,' so that said section as amended, shall read as follows:

Section 2 of chapter 60, R. S. as amended by chapter 179 of public laws of 1893, and by chapter 79 of public laws of 1899, further amended.

'Section 2. A divorce from the bonds of matrimony may be decreed by the supreme judicial court in the county where either party resides, at the commencement of proceedings, for causes of adultery, impotence, extreme cruelty, utter desertion continued for three consecutive years next prior to the filing of the libel, gross and confirmed habits of intoxication from the use of intoxicating liquors, opium or other drugs, cruel and abusive treatment, or on the libel of the wife, where the husband being of sufficient ability or being able to labor and provide for her, grossly or wantonly and cruelly refuses or neglects to provide suitable maintenance for her; provided that the parties were married in this state or cohabited here after marriage; or if the libelant resides here when the cause of divorce accrued, or had resided here in good faith for one year prior to the commencement of proceedings, or if the libellee is a resident of this state. But when both parties have been guilty of adultery, or there is a collusion between them to procure a divorce, it shall not be granted. Either party may be a witness.'

Divorce may be decreed by supreme court in the county where either party resides, for certain causes.

—Divorce shall not be granted when both parties have been guilty of adultery, or in case of collusion.

Section 2. This act shall take effect when approved.

Approved March 4, 1903.