

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-FIFTH LEGISLATURE

OF THE
STATE OF MAINE.

1911

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fifth
Legislature

1911

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Chapter 247.

An Act with reference to the Gardiner Municipal Court.

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

Gardiner Municipal court established.

Section 1. There shall be and hereby is established a court, to be denominated the Gardiner Municipal Court, which shall be a court of record, with a seal, to consist of one judge, who shall be an attorney admitted to practice in the courts of the state of Maine, who shall be appointed in the manner and for the term provided by the constitution of the state. Said judge shall be an actual resident of the city of Gardiner at the time of his appointment and during his continuance in office.

—judge, appointment of.

Recorder, appointment of.

Section 2. The governor, by and with the consent of the council and upon the recommendation of the judge, shall appoint a recorder of said court, who shall reside in said Gardiner, and who shall be an attorney at law. He shall hold office for the term of four years. Said recorder shall keep the records of said court when requested so to do by said judge; and in case of absence from the court room of said judge, or when the office of said judge shall be vacant, the said recorder shall have and exercise all the powers of the judge and perform all the duties required of said judge by this act, and shall be empowered to sign and issue all papers and processes, and to do all acts as fully and with the same effect as the judge could do if he were acting in the premises; and the signature of the recorder as such shall be sufficient evidence of his right to act instead of the judge. In case of the death or resignation of said judge, said recorder shall act and be paid the salary of said judge until his successor is appointed and qualified.

—tenure.

—duties of recorder.

—recorder may preside in absence of judge.

City shall provide suitable court room.

Section 3. The city of Gardiner shall provide a suitable court room and consultation room, keep the same in good condition and properly furnished. All expenses of said court including blank books of record, dockets and blanks, and all other supplies necessary for the use of said court shall be paid from the treasury of the county of Kennebec.

—expenses of court, how paid.

Concurrent jurisdiction with trial justices.

Section 4. Said court 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 cases arising in said city. And the said court shall also have exclusive jurisdiction of all offences against the by-laws and regulations which may be established by the county council of said city; and may, upon 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 ordi-

—exclusive jurisdiction.

nances need not be set forth; and said court shall have original jurisdiction, concurrent with the superior court, of all actions at law, except complaints for flowage, real actions and trespass quare clausum, in which the debt or damages demanded, exclusive of costs, 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 county of Kennebec, or having his residence beyond the limits of this state is served with process within said county. And when any party defendant and person so named as trustee, both live in said Gardiner, and are summoned to appear in an action brought in some other municipal court in said county, they or either of them, may have the cause transferred to said Gardiner municipal court, upon filing motion and affidavit at the return term thereof, and the cause shall then be heard as though originally brought therein. If any defendant, his agent or attorney in any action in said court, in which the debt or damage 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. The costs and fees allowed to parties and attorneys in civil actions before said court, in which the debt or damages 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 plaintiff, if he prevails, shall be allowed costs as taxed in the superior court. Copies of the records of said court duly certified, shall be evidence in other courts.

Section 5. All the provisions of the statutes of this state, relative to the attachment of real and personal property and levy of executions, shall be applicable to actions in this court, and executions on judgments rendered therein; provided, that property may be attached, equal in value to the ad damnum,

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—original jurisdiction, concurrent with superior court.

—removal of cases to superior court.

—appeals.

—costs and fees.

—copies of records duly certified, evidence in other courts.

General statutes made applicable.

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—actions
may be re-
ferred.

—exceptions.

Jurisdiction
in simple
larceny.

—exclusive
jurisdiction.

—with trial
justices.

Consanguin-
ity within de-
gree of which
judge may
not have au-
thority to
act.

—parties may
consent in
writing.

—or recorder
may hear and
dispose of
same.

—actions,
how disposed
of.

and in addition thereto, sufficient to satisfy the costs of suit. Actions may be referred and judgment on the referee's report may be rendered in the same manner and with the same effect as in the superior court. Exceptions may be allowed and cases certified on an agreed statement of facts, or upon evidence reported by the judge, in all civil actions, as in the supreme judicial or superior courts, and the same shall be entered, heard and determined at the law term thereof as if the same had originated in the superior or supreme judicial courts.

Section 6. Said court shall have jurisdiction in all cases of simple larceny arising in said county, unless exclusive jurisdiction is vested in some other court, where the property alleged to have been stolen shall not exceed the value of fifty dollars, and of all cases of cheating by false pretenses, where the property, money or other thing alleged to have been fraudulently obtained, shall not exceed in value the sum of fifty dollars, and shall have power to try the same, and in either of said cases to award sentence upon conviction by fine not exceeding fifty dollars, or imprisonment in the county jail with or without hard labor, for a term not exceeding ninety days. He shall have exclusive jurisdiction of all offenses arising in said city and in the towns of West Gardiner, Farmingdale, Randolph and Pittston, which are by any law or statute within the jurisdiction of a trial justice, and concurrent jurisdiction with trial justices of said county of Kennebec, of all such offenses arising in said county, outside of said city and towns mentioned, and also concurrent jurisdiction with the municipal court of the city of Augusta in the town of Chelsea.

Section 7. Any action, civil or criminal, in which the judge of said court is interested or related to either of the parties by consanguinity or affinity, within the sixth degree according to the rules of the civil law, or within the degree of second cousins, but which would otherwise be within the exclusive jurisdiction of said court, may be brought before and disposed of by any trial justice or any other municipal or police court in said county, in the same manner as other actions before said trial justices, or municipal or police courts. If any action wherein said judge is so interested or related to either party, is made returnable before this court, the parties thereto, by themselves or their attorneys, may in writing, consent that said judge shall hear and dispose of the same; or the recorder thereof, if disinterested, or with the written consent of the parties, if interested, may hear and dispose of the same in the judge's stead, or such actions shall be disposed of as follows: civil actions, wherein the debt or damages demanded, exclusive of costs exceed twenty dollars,

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shall upon motion, be removed to the superior court, and all other civil actions, and all criminal actions, shall be removed and entered before any such trial justice within said county as may be agreed upon, in writing, by the parties entering an appearance in such action, or if no trial justice is agreed upon, before any municipal or police court in said county, and such trial justice or municipal or police court shall have and take cognizance of such action and dispose of the same, as if originally returnable before such trial justice or court; provided, that nothing in this section shall prevent any action in which said city or any of the towns hereinbefore mentioned shall be a party or named as trustee, from being heard and disposed of in said court as in other cases; but in any such case the action may, upon motion of either party, filed before trial, be removed to the superior court for said county.

Section 8. The said court shall be held on each Monday of the month, at nine o'clock in the forenoon, for the transaction of civil business, and all civil processes shall be made returnable at that time. The judge or recorder shall be at the court room whenever it is necessary to attend to criminal matters.

Term time,
each Monday
of the month,
at 9 A. M.

Section 9. Said municipal court may render judgment and issue execution, punish for contempt and compel attendance, as in the superior court; make all such rules and regulations not repugnant to law, as may be necessary and proper for the administration of justice promptly; and is clothed with all such lawful power as is necessary for the performance of its duties under this act.

Court may
render judg-
ment, punish
for contempt,
and compel
attendance;
make rules,
etc.

Section 10. The salary of said judge shall be eight hundred dollars and such fees as are allowed by the general law, and the same shall be payable quarterly out of the treasury of the county of Kennebec, on the first days of January, April, July and October. All fines and costs received 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 county treasurer, a written statement of the fines and criminal costs by him received during and for the preceding quarter.

Salary of
judge.

—fines and
costs, how
disposed of.

Section 11. The said recorder shall receive an annual salary of three hundred dollars in full for all services, payable quarterly from the treasury of the county of Kennebec, on the first days of January, April, July and October.

Salary of re-
corder.

Section 12. Sections eleven, twelve, thirteen, fourteen and fifteen of the charter of the city of Gardiner, and all amendments to said sections, are hereby repealed, and all existing acts,

Certain sec-
tions of char-
ter of city of
Gardiner, and
inconsistent
acts repealed.

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public and private, inconsistent with the preceding sections, are hereby modified, so far as relates to the city of Gardiner, so as to conform with their provisions.

Approved March 29, 1911.

Chapter 248.

An Act to revive and extend the charter and organization of the South Paris Light, Heat and Power Company.

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

Charter re-
vived and ex-
tended upon
payment of
taxes.

Section 1. Upon the payment to the treasurer of the state of Maine of the amount of its franchise taxes and charges now in arrears, the rights, powers and privileges under and pertaining to the charter and organization of the South Paris Light, Heat and Power Company shall be revived and extended for two years from the first day of August, nineteen hundred and eleven.

Original pur-
poses amend-
ed.

Section 2. The original purposes of said South Paris Light, Heat and Power Company, as recorded in the office of the secretary of state, are hereby amended by adding the following:

'And to engage in any and all kinds of manufacturing, and to buy, hold, lease, sell, and manage real estate for any of its corporate purposes; and to make, generate, sell and distribute electricity for any purpose to any person or persons, firm, corporation, or municipality in the towns of Sumner, Greenwood, Woodstock, and any portion of the town of Paris outside of the present limits of the South Paris Village Corporation.'

Approved March 29, 1911.

Chapter 249.

An Act additional to Chapter two hundred and twenty-six of the Private and Special Laws of nineteen hundred and nine, incorporating the Guilford Water Company.

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

Additional
rights granted
to Guilford
Water Com-
pany.

The Guilford Water Company shall have the right to purchase any spring system now supplying water to the inhabitants of said town of Guilford, or capital stock, bonds or securities of any corporation furnishing spring water to said inhabitants; and to contract with any person, corporation or water company or water district or fire district in the towns of Parkman, Abbot, Sangerville and Guilford, in said county of Piscataquis, or with any other water company in said towns, according to the terms and conditions set out in the charter of the Guilford Water