

# MAINE STATE LEGISLATURE

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# Acts and Resolves

As Passed by the

## Seventy-Eighth Legislature

OF THE

# STATE OF MAINE

1917

Including Acts and Resolves of the Special Session of the  
Seventy-Seventh Legislature held in 1916.

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Seventy-Eighth  
Legislature

1917

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## Chapter 145.

An Act to Establish the Presque Isle Municipal Court.

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

**Sec. 1. Presque Isle Municipal Court established; eligibility and qualification of judge and recorder.** A municipal court is hereby established in the town of Presque Isle, in the county of Aroostook, which shall be called the Presque Isle Municipal Court and it shall be a court of record and have a seal. Said court shall consist of one judge, who shall be a member of the bar of this state, who shall reside during his continuance in said office in said town of Presque Isle and who shall be appointed, qualified and hold his office as provided by the constitution of this state, and he shall be ex-officio a justice of the peace for the state; and of a recorder who shall be an attorney at law and who shall reside during his continuance in office in said town of Presque Isle, who shall be appointed by the governor with the advice of the council and shall hold his office for the term of four years and be duly commissioned and qualified, and shall before entering upon the duties of his office give a bond to the county of Aroostook, to be approved by the county commissioners of said county, in the sum of ten hundred dollars, conditioned to faithfully perform all the duties of his office as recorder of said court.

**Sec. 2. Jurisdiction.** Said court shall have original jurisdiction concurrent with trial justices in all such civil and criminal matters within the county of Aroostook, as are by law within the jurisdiction of trial justices within said county, including the right to renew executions issued by trial justices in the same way and manner as trial justices; and warrants issued by any trial justice within said county may be returned before said court; and shall have original jurisdiction concurrent with the supreme judicial court and the other municipal courts of said county, of all other crimes, offenses and misdemeanors committed in said county, which are by law punishable by fine not exceeding fifty dollars and by imprisonment not exceeding three months, and where the property in question or injury done is not alleged to exceed thirty dollars in value; and shall have exclusive jurisdiction over all offenses committed against the ordinances or by-laws of the town of Presque Isle, and over all such criminal offenses committed within the limits of the same as are cognizable by trial justices; and no trial justice or justice of the peace shall take cognizance over any crime or offense committed within the limits of said town of Presque Isle, or any civil action over which said court has exclusive jurisdiction.

**Sec. 3. Concurrent jurisdiction.** 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 two hundred dollars, and in all actions of replevin under chapter ninety-nine of the revised statutes, when the sum demanded for the penalty, forfeiture or damages, or the value of the goods or chattels replevined does not exceed two hundred dollars; in which any person summoned as trustee

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resides within the territorial jurisdiction district of said court, as herein-after defined, or if a corporation, has an established place of business in said district; or, in which, any action not commenced by trustee process, any defendant resides in said district, or if no defendant resides within the limits of this state, any defendant is served with process in said district, or the goods, estates or effects of any defendant are found within said district and are attached on the original writ; 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-seven, sections six and seven, of the revised statutes.

**Sec. 4. Territorial jurisdiction.** The territorial jurisdiction of said court, in civil actions, shall comprise all that portion of Aroostook county which lies north of the following described line, to wit: commencing on the east line of the state at the southeast corner of Bridgewater, thence running westerly on the south lines of Bridgewater and Township "Letter D," Range two (2) to the west line of said Township "Letter D," Range two (2); thence northerly on said west line to the southeast corner of Township numbered nine (9) Range three (3); thence westerly on the south lines of Township numbered (9) Ranges three (3), four (4), five (5), six (6), and seven (7) to the west line of Township nine (9), Range seven (7); thence northerly on said west line to the southeast corner of Township numbered nine (9), Range eight (8); thence westerly on the south line of Township nine (9), Range eight (8) to the southwest corner thereof; thence northerly on the west line of Townships numbered nine (9) and ten (10), Range eight (8) to the southeast corner of Township numbered eleven (11), Range nine (9); thence westerly on the south line of said county of Aroostook to the west line of the state.

**Sec. 5. Appeals and removal of actions.** Any party may appeal from any judgment or sentence of said court to the supreme judicial court in the same manner as from a judgment or sentence of a trial justice. And if any defendant, his agent or attorney, in any civil action in said court, in which the debt or damage demanded or claimed in his writ exceeds twenty dollars, shall, on or before the first day of the second term of said action, file in said court a written motion for the removal of said action to the supreme judicial court and deposit with the recorder the sum of sixty-five cents for entry fee in said supreme judicial court, the said action shall be removed into the supreme judicial court for said county, and the recorder shall forthwith cause certified copies of the writ, officer's return and defendant's motion and all other papers in the case to be filed in the office of the clerk of said 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, in which case it shall be entered forthwith. If no such motion is filed, the said municipal court shall proceed and determine said action, subject to the right of appeal in either party as now provided by law. The pleading in such cases shall be the same as in the supreme judicial court.

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**Sec. 6. Costs, by whom recovered.** In any action in this court, in which the plaintiff recovers for the penalty, forfeiture, debt or damage, not over twenty dollars, or property, the value of which does not exceed twenty dollars, the costs shall be taxed and allowed as in similar actions 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, or property, the value of which does not exceed twenty dollars, he shall recover one dollar for his pleadings and other costs as in similar actions before trial justices.

In actions where the amount recovered by the plaintiff, exclusive of costs, exceeds twenty dollars, or property, the value of which exceeds twenty dollars, or the amount claimed or the value of the property recovered exceeds twenty dollars where the defendant prevails, the costs of the parties, trustees and witnesses shall be the same as in the supreme judicial court.

**Sec. 7. Referees.** Actions pending in this court may be referred to one referee in the same manner as in the supreme judicial court, and on report of the referee to said court, judgment may be rendered in the same manner and with like effect as in the supreme judicial court.

**Exceptions** may be alleged 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 court, and the same shall be entered, heard and determined in the law term thereof, as if the same had originated in the supreme judicial court for the County of Aroostook; and decisions of the law court in such cases shall be certified to the judge of said municipal court for final disposition, with the same effect as in cases originating in said supreme judicial court.

**Sec. 8. Attachments.** All the provisions of the statutes of this state relative to the attachment of real estate and personal property, and the levy of executions shall be applicable to actions in this court.

**Sec. 9. Authority.** Said court is hereby authorized to administer oaths, render judgments, issue executions, certify copies of its records; punish for contempt, and compel attendance, as in the supreme judicial court, and to make all such rules and regulations, not repugnant to law, as may be necessary for the prompt administration of justice and for the carrying into effect of the provisions of this act.

**Sec. 10. Writs; fees, etc.** The price of blank writs with the seal of the court, signed by the judge or the recorder, shall be four cents, and all other fees in civil cases shall be the same as are taxable by a trial justice, except as otherwise provided in sections five and six of this act. All writs and processes in civil matters shall be in the name of the state, bear the teste of said judge, under the seal of said court, and signed by the judge or recorder, be served in time and manner as now provided by law in cases of writs issued by trial justices, except that writs in which the debt or damage demanded exceeds twenty dollars, shall be served in time and manner as similar writs returnable to the supreme judicial court, and no writ shall be made returnable at a term of the court to begin more than three months after the commencement of the action.

**Sec. 11. Civil terms.** A term of said court for the transaction of civil business shall be held on the second Tuesday of each month at ten o'clock in the forenoon, and said court may adjourn from time to time; provided, however, that for the cognizance of criminal offenses and for the entry of actions of forcible entry and detainer said court shall be considered in constant session; and said actions of forcible entry and detainer shall be in order for trial at the return day thereof, and judgment in such actions may be entered on the day when the same are defaulted or heard and determined. Pleadings shall be the same as in the supreme judicial court, and all provisions of law relative to the practice and proceedings in civil actions in the supreme judicial court are hereby made applicable and extended to this court, except so far as they are modified by the provisions of this act.

**Sec. 12. Absence of judge or recorder, or both.** When the judge is absent from the court room, or is interested, it shall be the duty of the recorder and he shall have authority to exercise all the powers of the judge. In case of the absence of the recorder, or a vacancy in his said office, the judge may appoint a recorder who shall be sworn by said judge and act during his absence or until the vacancy is filled. If the judge and recorder are both necessarily absent, the judge may designate some trial justice in said county to perform the duties of the recorder; and if said judge shall not so designate a trial justice, the recorder may designate one.

**Sec. 13. Duties of recorder.** The recorder shall record the doings of said court and shall have the power to administer oaths; he shall hear complaints in all criminal matters and in accusation in bastardy, draw all complaints and sign all warrants, take bail and make and sign all processes of commitment, but the same shall be heard and determined as now provided by law; such bail may be taken by the judge, and such complaints, accusations, warrants and processes of commitment drawn and signed by the judge of said court shall be equally valid. All processes issued by said recorder in criminal matters shall have the seal of said court and be signed by said recorder and have the same authority as if issued and signed by said judge.

**Sec. 14. Location and necessary expenditures; compensation of judge and recorder; proviso.** Said court shall be held in the said town of Presque Isle, within the limits of the village thereof, and the county commissioners of said county of Aroostook shall provide some suitable place for the holding of said court, at the expense of said county; and all expenses of said court, including seal, blank books of record, dockets and all blanks necessary for the use of said court shall be paid from the treasury of the county of Aroostook. The judge of said court shall receive as compensation a salary of ten hundred dollars a year; and the recorder shall receive as compensation a salary of four hundred dollars a year to be paid quarterly from the treasury of the county of Aroostook. A condition precedent to the payment of said salaries as aforesaid shall be the rendering by said judge and recorder of a correct statement to the county commissioners of said county of Aroostook, and the payment over by said judge and recorder to the county treasurer, of all fees both civil and criminal, collected by said court for the preceding quarter or fractional part thereof.

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**Sec. 15. Fines, penalties, costs, etc., to whom paid.** All fines, penalties and costs paid into said court, upon convictions and sentences in criminal matters, together with all fees allowed by law in the transaction of criminal and civil business, shall be paid to said recorder; and all costs in criminal cases shall be taxed the same as in trial justice courts, except that every warrant issued by said court shall be taxed at one dollar.

**Sec. 16. Disposition of fines, penalties, etc.** All fines and forfeitures and fees of the judge and recorder of said court, imposed and collected by said court, in all criminal cases, and all fees of said judge and recorder of said court, in civil and criminal cases, received by either or both, shall be accounted for and paid over quarterly into the treasury of said county of Aroostook, for the use of said county; and all fees of said court paid after any commitment to any jailer shall be paid by him monthly into said treasury.

**Sec. 17. Jurisdiction of trial justices limited; proviso.** Trial justices in said town of Presque Isle are hereby prohibited from exercising any jurisdiction in said town over any matters, civil or criminal, except such as are within the jurisdiction of justices of the peace, provided that until such judge and recorder of said court shall enter upon the duties of their office, any trial justice shall have and exercise the same jurisdiction as though this said municipal court had never been established, and all actions entered and pending before any trial justice at the time said judge and recorder of said court enter upon the duties of their office as aforesaid, shall be finally disposed of by said trial justices; and nothing in this act shall be construed to interfere with such actions returnable before a trial justice as shall be commenced before this act takes effect.

**Sec. 18. Territorial jurisdiction of other municipal courts not affected.** Nothing in this act shall be construed to limit or affect the territorial jurisdiction, in civil or criminal matters, of the other municipal courts in said county of Aroostook, as is established by their respective acts; but the jurisdiction of said Presque Isle Municipal Court over any portion of the county of Aroostook now within the territorial jurisdiction of other municipal courts within said county shall be concurrent with said other municipal courts.

Approved March 31, 1917.

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## Chapter 146.

An Act to Amend Section One of Chapter One Hundred Forty-one of the Private and Special Laws of Eighteen Hundred Eighty-seven, Entitled "An Act to Amend an Act Creating the Phillips Village Corporation."

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

**P. & S. L., 1887, c. 141, § 1, amended.** Section one of chapter one hundred forty-one of the private and special laws of eighteen hundred and eighty-seven is hereby amended by striking out the words "thence in a south-east course on Stephen Quimby's west line one hundred rods to the Mile