

MAINE STATE LEGISLATURE

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Acts and Resolves

As Passed by the

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Seventy-Ninth
Legislature

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or by imprisonment for a term not exceeding sixty days; also of the offenses described in chapter one hundred and twenty-eight, sections one and five, of the revised statutes, when the value of the property is not alleged to exceed fifty dollars; provided, that said court shall have no 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 is provided in chapter eighty-eight, section three, of the revised statutes. Any action in which the debt or damages demanded exceed twenty dollars, may be removed to the aforementioned superior court, on motion of the defendant, filed at the return term, provided he shall, at the time he files his motion, also file an affidavit that he believes he has a good defense to said action, in whole or in part, and intends, in good faith, to make such defense, and shall therewith deposit with the clerk of said municipal court, the entry fee in said superior court, to be taxed in his costs, if he shall prevail. The clerk shall enter said action at the next term of said superior court, and shall file with the writ, certified copies of the affidavit and motion.'

Sec. 2. P. & S. L., 1871, c. 636, § 9; relating to appeals, amended. Section nine of said chapter six hundred and thirty-six is hereby amended by striking out the words "supreme judicial" occurring therein and substituting therefor the word 'superior' so that the same, when amended, shall read as follows:

'Sec. 9. Appeal to be taken to superior court, instead of to supreme court. Any party may appeal from any judgment or sentence of said court to the superior court, in the same manner as from a judgment or sentence of a trial justice.'

Approved February 26, 1919.

Chapter 3.

An Act to Amend Section Two of Chapter One Hundred and Ninety-four of the Private and Special Laws of Nineteen Hundred and Fifteen, Amending the Act Establishing a Municipal Court for the City of Auburn.

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

Sec. 1. P. & S. L., 1915, c. 194, § 2; relating to jurisdiction of Auburn municipal court, repealed. Section two of chapter one hundred and ninety-four of the private and special laws of nineteen hundred and fifteen, is hereby repealed, and the section herein following enacted in lieu thereof:

'Sec. 2. Jurisdiction changed so as to include superior court. Said court shall have jurisdiction as follows:

I. Exclusive jurisdiction of all offenses against the ordinances or by-laws of said city, and all such other criminal offenses committed therein

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as are cognizable by trial justices; and concurrent jurisdiction with trial justices in the county of Androscoggin of all like offenses not herein placed within its exclusive jurisdiction, when committed in any town or city in said county except Lewiston.

II. Original jurisdiction concurrent with the superior court, of the offenses described in sections one, six, seven, eight and ten of chapter one hundred and twenty-two of the revised statutes, when the alleged value of the property does not exceed fifty dollars; of the offenses described in section twenty-six of chapter one hundred and twenty of the revised statutes; of the offense described in sections one and five of chapter one hundred and twenty-eight of the revised statutes, when the alleged value of the property does not exceed fifty dollars, and on conviction may punish for either of said offenses by fine not exceeding one hundred dollars or by imprisonment for not more than six months; and also of the offense described in section seven of chapter one hundred and twenty-six of the revised statutes, and on conviction may punish therefor by fine not exceeding fifty dollars or by imprisonment for not more than thirty days.

III. Exclusive original jurisdiction of all civil actions wherein the debt or damages demanded do not exceed twenty dollars, and both parties, or any plaintiff, and a person summoned as a trustee, reside in the city of Auburn, including prosecution for penalties in which said city is interested, and actions of forcible entry and detainer arising therein; and concurrent jurisdiction with trial justices in said county of all other civil actions and other civil proceedings cognizant by them, not within the exclusive jurisdiction of said court or of the municipal court of the city of Lewiston; provided, that any civil action in which the judge or clerk is interested, but which otherwise would be within the exclusive jurisdiction of said court, may be brought in and disposed of by the Lewiston municipal court in the same manner and with like effect as other actions therein.

IV. Original jurisdiction concurrent with the superior court and the municipal court of the city of Lewiston, of all civil actions in which the debt or damages demanded, exceed twenty dollars but do not exceed one hundred dollars, and the defendant or a party summoned as trustee resides within the county of Androscoggin; provided however, that any action wherein the debt or damage demanded exceeds twenty dollars, brought in said court, shall be removed by order of the judge into the superior court, on motion of the defendant, filed at the return term, if he files therewith, at the same time, an affidavit that he believes he has a good defense to said action, in whole or in part, and in good faith intends to make such defense, and deposits with the clerk, the fee of the clerk of the court above for entering said action therein; and when such removal has been

ordered, the clerk shall file in the superior court at its next term in the county, an attested copy of the writ in such action and of said motion and affidavit, and order of court thereon, and pay to the clerk of said court the fee for entering the same, for which services he shall be entitled to the same fees allowed for the necessary copies in actions carried up by appeal, to be paid him by the defendant and recovered by him with costs, if he prevail in the suit.'

Sec. 2. P. & S. L., 1915, c. 194, § 3; relating to authority of court, amended. Section three of said chapter one hundred and ninety-four of the private and special laws of nineteen hundred and fifteen is hereby amended by striking out the words "supreme judicial" in the sixth line thereof and substituting therefor the word 'superior,' and by striking out the word "eighty-five" in the eighth line thereof and substituting therefor the word 'eighty-eight,' so that the same shall read as follows, when amended:

'**Sec. 3. Actions may be removed to superior as well as to supreme court.** Nothing in the foregoing section shall be construed to give said court any authority exceeding that of trial justices to hear and determine any civil action in which the title to real estate, according to the pleadings or brief statement filed therein by either party, is in question, but all such actions shall be removed to the supreme judicial court or the superior court in the county, or otherwise disposed of as provided in section three of chapter eighty-eight of the revised statutes.'

Sec. 3. P. & S. L., 1915, c. 194, § 12; relating to appeals, amended. Section twelve of said act establishing said municipal court is hereby amended by striking out the words "supreme judicial" in the second line of said section and substituting therefor the word 'superior' so that said section, when amended, shall read as follows:

'**Sec. 12. Appeals to be made to superior court.** Any party may appeal from a judgment or sentence of said court to the superior court, in the same manner and subject to the same conditions as from a judgment or sentence of a trial justice.'

Sec. 4. P. & S. L., 1915, c. 194, § 2; relating to jurisdiction, amended. Section two of said chapter one hundred and ninety-four of the private and special laws of nineteen hundred and fifteen is further amended by adding the following paragraph:

'**V. Proceedings as to exceptions.** Exceptions may be alleged and cases certified on agreed statements of facts, or upon evidence reported by the judge, in all civil cases, as in the supreme judicial court, and the same shall be entered, heard and determined at the next law term in the western district, or by agreement of parties, may be certified at once to

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the chief justice of the supreme judicial court, and when so certified, to be argued in writing on both sides within thirty days; and the supreme judicial court, sitting as a court of law, shall have the same jurisdiction of all questions of law arising on said exceptions, statements and reports, as if they had originated in the supreme judicial court for the county of Androscoggin; and all provisions of law and rules of the supreme judicial court relative to the transfer of actions and other matters from the supreme judicial court for said county, shall apply to the transfer of actions from said municipal court to said law court. Decisions of the law court on all questions from said municipal court shall be certified to the judge of said municipal court with the same effect as in cases originating in the supreme judicial court in said county.'

Approved February 26, 1919.

Chapter 4.

An Act to Provide for Conducting Scientific Investigation Bearing upon the Agriculture of Aroostook County.

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

Sec. 1. Investigations bearing upon agriculture in Aroostook County.

The Maine Agricultural Experiment Station, in addition to investigations now conducted by it, shall conduct scientific investigations bearing upon the agriculture of Aroostook county for the purpose of making effective section four of chapter one hundred and ninety of the private and special laws of nineteen hundred and thirteen.

Sec. 2. Appropriations. There shall be appropriated from the state treasury the sum of five thousand dollars for the year nineteen hundred and nineteen and the sum of five thousand dollars for the year nineteen hundred and twenty in favor of the Maine Agricultural Experiment Station, and the same shall be expended by the director of said station in executing the provisions of this act. The payment of said appropriation shall be made quarterly, on presentation of bills duly audited by the state auditor on order of the governor and council.

Approved February 26, 1919.

Chapter 5.

An Act to Authorize the Construction of a Weir in the Tidewaters of Pembroke River in the Town of Pembroke.

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

Sec. 1. Authority. James Abrenethy of Pembroke, in the county of Washington, is hereby authorized to build and maintain a weir for fishing