

# 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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Published by the Secretary of State, in accordance with the Resolves of the Legislature approved June 28, 1820, March 18, 1840, and March 16, 1842.

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Seventy-Ninth  
Legislature

1919

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laws of one thousand eight hundred and ninety-one, incorporating the said city of Old Town, is hereby further amended by adding thereto the following:

**'Sec. 45. Street board, to be elected by popular vote, created; street superintendent to be chosen by board; compensation of street superintendent; vacancies in board.** A street board consisting of three members, to serve without pay, shall be elected by the qualified voters of the city of Old Town at the March election one thousand nine hundred and twenty, one for two years, one for four years and one for six years, and until their successors are elected and qualified and all subsequent elections of members of said board shall be for six years unless such election is for the purpose of filling a vacancy for the unexpired portion of a term. They shall choose one of their members as chairman of the board and shall have all the powers and perform all the duties of surveyors of highways and road commissioners of towns and shall have general oversight and care of the streets and sidewalks of Old Town, make all contracts for labor, machinery, equipment and material and have general care of the property of the street department. Said board shall engage a competent person to superintend the construction and repair of streets under their direction, fix his compensation, discharge him and engage another at will. Any vacancy occurring in said board shall be filled by the mayor by appointment until the next election after said vacancy occurs when it shall be filled by the legal voters. The person elected to fill said vacancy shall be elected to fill the unexpired portion of the original term thereof.'

**Sec. 3. Inconsistent statutes repealed.** All acts, or parts of acts, inconsistent herewith are hereby repealed so far as they apply to the city of Old Town.

**Sec. 4. Emergency.** In view of the emergency cited in the preamble, this act shall take effect when approved.

Approved March 15, 1919.

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## Chapter 61.

An Act to Amend Chapter Four Hundred and Twenty-nine of the Private and Special Laws of Nineteen Hundred and One, as Amended by Chapter Three Hundred and Fifty-six of the Private and Special Laws of Nineteen Hundred and Three, with Reference to the Winthrop Municipal Court.

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

**Sec. 1. P. & S. L., 1901, c. 429, § 2; 1903, c. 356; relating to jurisdiction of Winthrop municipal court, amended.** Section two of chapter four hundred and twenty-nine of the private and special laws of nineteen hundred and one, as amended by chapter three hundred and fifty-six of the

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private and special laws of nineteen hundred and three, is hereby amended so as to read, as amended, as follows:

**Sec. 2. Additional jurisdiction.** Said court shall have additional jurisdiction as follows: exclusive jurisdiction of all such criminal offenses and misdemeanors committed within said towns of Winthrop, Monmouth and Wayne as are cognizable by trial justices, and concurrent jurisdiction with trial justices in the county of Kennebec of all like offenses and misdemeanors, not herein placed within its exclusive jurisdiction, when committed in said county outside the territory wherein some other municipal court has exclusive jurisdiction; original jurisdiction concurrent with the superior court of said county of the offenses described in sections one, six, eight and ten of chapter one hundred and twenty-two of the revised statutes, when the alleged value of the property exceeds twenty dollars but does not exceed fifty dollars; of the offense described in section seven of chapter one hundred and twenty-six of the revised statutes; of the offenses described in sections one, five and six of chapter one hundred and twenty-eight of the revised statutes, when the alleged value of the property fraudulently obtained, mortgaged or sold, or fraudulently removed or concealed, does not exceed fifty dollars, and on conviction may punish for either of said offenses by fine not exceeding one hundred dollars and by imprisonment in the county jail for not more than six months; and of all the offenses described in sections twenty-four and twenty-nine of chapter one hundred and thirty of the revised statutes, relating to tramps, and may punish as therein provided; exclusive original jurisdiction of all civil actions wherein the debt or damages demanded do not exceed twenty dollars, and both parties, or any plaintiff, or any defendant, or any person summoned as trustee resides in either Winthrop, Monmouth or Wayne, including prosecutions for penalties in which either of said three mentioned towns are 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 proceedings cognizable by them not within the exclusive jurisdiction of this court; provided that any action, civil or criminal, in which the judge may be interested, either as counsel or otherwise, 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 cousin inclusive, but which otherwise would be within the exclusive jurisdiction of said municipal court, may be brought before and disposed of in this court before said judge, if the parties thereto, by agreement, waive the objection, or such actions in which the judge may be so interested or related to either party may be brought in and disposed of by any other municipal court in said county in the same manner and with like effect as other actions therein; original jurisdiction concurrent with the superior court in said county of all civil actions in which the debt or

damages demanded exceed twenty dollars, but do not exceed three hundred dollars and the defendant, or any person summoned as trustee resides, or has his last and usual place of abode in said county of Kennebec; provided, however, that any action wherein the debt or damages demanded exceed twenty dollars, brought in said court, shall be removed by order of the judge, or in his absence, by order of the recorder, into the superior court of said county, 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 said court the fee of the clerk above for entering said action therein; and when such removal has been ordered, the judge shall file in said superior court, at its next term in the county, the original writ and all other papers in the case and pay to the clerk of said court the fee for entering the same; in any action in which either the three towns mentioned in this section is a party, or is summoned as a trustee, this court shall not lose jurisdiction by reason of the residence or ownership of property in such town by the judge or the recorder; but in such case, the action may, upon written motion of either party, filed at the return term, be removed to the superior court for said county.'

**Sec. 2. P. & S. L., 1901, c. 429, § 5; 1903, c. 356; relating to writs in civil action, amended.** Section five of said chapter four hundred and twenty-nine is hereby amended so as to read, as amended, as follows:

**'Sec. 5. Trials to be had in term time or vacation by agreement or order of court either in Readfield, Mount Vernon, Vienna or Belgrade.** Writs in civil actions commenced in said court shall be in the usual forms, and all such writs and all other precepts and processes, civil and criminal, issued by said court, shall bear teste of the judge under seal of said court, and be signed by the judge or by the recorder and be of equal force and validity when signed by either. To serve the best interests of the parties, trials may be had at any time in or out of term time, and at any place to be provided by the parties thereto within either of the three towns mentioned in section one hereof, or in either of the towns of Readfield, Mount Vernon, Vienna or Belgrade, by consent of the parties thereto, or on motion of either party and hearing granted by the court, or by order of the court.'

**Sec. 3. Salary of judge; disposition of fees.** The judge of said court shall receive a salary of six hundred dollars yearly from the treasury of said county, payable quarterly, in full for all services, and all fees, civil and criminal, by him received shall be paid into the treasury of said county quarterly.

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**Sec. 4. Prior acts modified to conform.** All existing acts, public and private, inconsistent with this act, are hereby modified, so far as they relate to this act so as to conform to its provisions.

Approved March 17, 1919.

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## Chapter 62.

An Act to Incorporate the Lubec and Machias Railway Company.

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

**Sec. 1. Corporators, name, purposes, location, etc.** B. M. Pike, R. J. Peacock, C. L. Pike, J. P. McCurdy, A. C. Ramsdell, A. K. Ames, L. E. Crane, Frederick Bogue and Elisha W. Pike, their associates and successors, are constituted a corporation under the name of the Lubec and Machias Railway Company, for the purpose of building, constructing, maintaining and operating by electrical, steam, or other power, railway for passenger and freight transportation, with such single or double tracks, side tracks, switches, turnouts, stations and appurtenances, and with such poles, wires, appliances and appurtenances as may seem advisable and desirable to said company, from any point in the town of Lubec, through the town of Trescott, Whiting, Cutler, East Machias and Machiasport, if necessary, to some point in the town of East Machias or Machias as may seem to said company desirable, together with the right to cross the rivers and tide waters of the East Machias and Machias rivers, within the limit of the said towns of East Machias, Machiasport and Machias upon the bridges of said towns of East Machias, Machiasport and Machias, or upon bridges of said company, erected therefor, and also with the right to lay their said tracks within the limits of said town of Lubec, and within the limits of the towns of Trescott, Whiting, Cutler, East Machias, Machiasport and Machias, as may be assented to in writing by the municipal officers of said town at any meeting thereof upon petition of said company, and together, also, with the right to cross tide waters and navigable and fresh water streams within the limits of any of said towns mentioned, upon existing bridges or upon bridges of said company, erected therefor, provided, however, that said railway company shall not unnecessarily obstruct navigation, and that the manner and conditions of its so crossing said East Machias and Machias river, tide waters, navigable waters of fresh water streams or rivers, upon any bridges, and of its erecting and maintaining any bridges of its own, shall first be determined by the municipal officers of the towns within the limits of which said bridges shall be so erected, maintained or used.

**Sec. 2. Gauge, width of road bed, etc., schedule of rates.** Said railway shall be of a gauge not to exceed five feet, and the land occupied by said