

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

## Eightieth Legislature

OF THE

## STATE OF MAINE

1921

Including Acts and Resolves of the Special Session held in 1920.

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Eightieth  
Legislature

1921

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## Chapter 113.

An Act to Establish the Western Washington Municipal Court.

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

**Sec. 1. Location; name; judge, qualifications of and tenure; recorder.** A municipal court is hereby established in the Town of Machias, in the County of Washington, which shall be called Western Washington Municipal Court, which shall have a seal and shall be a court of record.

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 within the jurisdiction of said court, and who shall be appointed, qualified, and hold his office as provided by the constitution of this state. The clerk of the supreme judicial court for Washington county shall be ex-officio recorder of this court. The judge shall hold his office for the term of four years.

**Sec. 2. Jurisdiction.** Said court shall exercise jurisdiction over all such matters and things, civil and criminal, within its jurisdiction as hereinafter defined, as trial justices, justices of the peace and justices of the peace and quorum may exercise and under similar restrictions and limitations and concurrent jurisdiction with trial justices in cases of forcible entry and detainer; 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 the Towns of Machias, East Machias or Machiasport, or any civil action over which said court has exclusive jurisdiction; and shall have original jurisdiction concurrent with the supreme judicial court of all other crimes, offenses and misdemeanors committed within its said jurisdiction 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. 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 one hundred dollars and in all actions of replevin under chapter one hundred and one 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 one hundred dollars; in which any person summoned as trustee resides within the territorial jurisdiction district of said court as hereinafter defined, or, if a corporation, has an established place of business in said district; or, in which, in any actions not commenced by trustee process, any defendant resides in said district or if no defendant resides within the limits of this state and defendant is served with process

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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-nine, sections six and seven, of the revised statutes.

**Sec. 3. Territorial jurisdiction.** The territorial jurisdiction of said court in civil actions shall comprise all the County of Washington except towns lying wholly east of the Machias river and in addition the Town of East Machias; any recital of jurisdiction in the charter of any other municipal court in said county to the contrary notwithstanding.

**Sec. 4. Appeals.** Any party may appeal from any judgment or sentence of said court to the supreme judicial court, in the same manner as from a sentence of judgment of a trial justice.

**Sec. 5. Removal of actions when debt or damage exceeds \$20.** 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 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 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 clerk's office 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.

**Sec. 6. Costs, how taxed.** 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, except the costs to be taxed for attendance shall be two dollars and fifty cents for each term.

**Sec. 7. Actions may be referred; exceptions may be taken to law court.** 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 Washington; 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. Provision relative to attachment applicable.** All the provisions of the statutes of this state, relative to the attachment of real and personal property, and the levy of executions, shall be applicable to actions in this court, provided that property may be attached equal in value to double the ad damnum, and provided also that no execution shall be levied on real estate, unless the debt or damage therein exceed the sum of twenty dollars.

**Sec. 9. Powers.** 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.** The price of blank writs with the seal of the court signed by 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.

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 recorder, be served in time and manner as now provided by law in

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case of writs issued by trial justices, except that writs in which the debt or damage demanded exceed 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. Terms and proceedings.** A term of said court for the transaction of civil business shall be held on the first Monday of each month except the month of August at ten o'clock in the forenoon and said court may adjourn from time to time, provided, however, that said court shall be held on every Monday of each month, except the month of August, for the entry and trial of actions of forcible entry and detainer, which shall be in order for trial at the return term thereof and judgment in such actions may be entered on the day when the same are defaulted, or heard and determined; and provided also, that for the cognizance of criminal offences, said court shall be considered in constant session. 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. Recorder to have same authority as judge; judge may appoint temporary recorder in case of absence or vacancy in office; procedure in case both judge and recorder unable to act.** 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 the 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. Powers and 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 accusations 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. Place where court shall be held.** Said court shall be held in the court house in said Town of Machias, the quarters thereof to be designated by the county commissioners of said County of Washington, or the said county commissioners at the expense of the county, shall provide some other suitable place for holding said court, in said Town of Machias, and all expenses of said court, including blank books of record, dockets and blanks necessary for the use of said court shall be paid from the treasury of the County of Washington.

**Sec. 15. Compensation of judge and recorder.** The judge of said court shall receive as compensation a salary of six hundred dollars a year; and the recorder shall receive a salary of one hundred dollars a year to be paid quarterly from the treasury of the County of Washington. 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 Washington, 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.

**Sec. 16. Fines, penalties and costs, how taxed.** 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 taxed the same as in trial justice courts, except that every warrant issued by said court shall be taxed at one dollar.

**Sec. 17. Fines and penalties to be paid into county treasury.** 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 treasury of said County of Washington, 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. 18. Trial justices not to exercise authority within jurisdiction of court; proviso.** Trial justices in said Towns of Machias, East Machias and Machiasport are hereby prohibited from exercising any jurisdiction in said towns 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



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offices, any trial justices 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. 19. Recorder's bond; judge or recorder not to act as counsel in causes within jurisdiction of court.** Before entering upon the duties of his office, the recorder shall give a bond to the County of Washington in the sum of five hundred dollars, to be approved by the county commissioners of said county. The condition of said bond shall be the faithful performance of the duties of his office.

Neither the judge nor recorder shall act as attorney nor give counsel in any cause or matter within the exclusive jurisdiction of said court.

Approved April 5, 1921.

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## Chapter 114.

An Act to Change the Time of Holding the Annual Meeting of the Town of East Livermore, to Enlarge the Powers and Duties of the Selectmen, to Abolish Certain Offices and to Provide for the Administration of Town Affairs.

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

**Sec. 1. Date of annual meeting.** The annual meeting of the Town of East Livermore shall be held on the fourth Monday of January, beginning with the year nineteen hundred and twenty-two, and the fiscal year for said town shall begin on January first, nineteen hundred and twenty-two.

**Sec. 2. Nomination of elective officers to be by petition.** The nomination of the candidates for elective offices provided for by this act shall be by petitions. Each petition shall be signed by twenty-five qualified voters of the town. No voter shall sign petitions for more than one candidate for each office to be filled at the election, and in case he does so his signature shall be void as to the petition or petitions last filed.

**Sec. 3. Form of petition.** There shall be attached to each nomination petition an affidavit of the circulator thereof, stating the number of signers of such petition and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be and that said person is a qualified voter of the Town of East Livermore. The form of the nomination petition shall be substantially as follows: