

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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.

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.

LEWISTON JOURNAL PRINTSHOP AND BINDERY
LEWISTON, MAINE

1921

Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Eightieth
Legislature

1921

Chapter 125.

An Act Amending Chapter Four Hundred and Twenty-four of the Private and Special Laws of Eighteen Hundred and Ninety-seven, Relating to the Retirement of Police Officers of the City of Portland.

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

P. & S. L., 1897, c. 424; relating to retirement of police officers of the city of Portland, amended. Chapter four hundred and twenty-four of the private and special laws of eighteen hundred and ninety-seven, relating to the retirement of police officers of the city of Portland, is hereby amended by inserting after the word "officer" in the second line thereof the words 'including captains of police,' so that said chapter, as amended, shall read as follows:

'Made to include captains of police. The city council of the City of Portland is hereby authorized to provide by ordinance, for the retirement of police officers, including captains of police, who may have been honorably discharged from the police force of the City of Portland by reason of having arrived at the age of sixty-five years, or by reason of permanent injuries or permanent physical incapacity which is the result of an incident of service upon said police force, upon a pension not exceeding half pay.'

Approved April 6, 1921.

Chapter 126.

An Act Amending the Charter of the Belfast Municipal Court.

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

Sec. 1. P. & S. L., 1911, c. 254, § 1; relating to the establishment of the Belfast Municipal Court, jurisdiction, qualifications of judge, etc., amended. Section one of chapter two hundred fifty-four of the private and special laws of nineteen hundred eleven is hereby amended so that the same shall read as follows:

'Sec. 1. Judge must be an attorney at law; jurisdiction more clearly set forth. A municipal court shall be and hereby is established in and for the City of Belfast in the County of Waldo, to be denominated the Belfast Municipal Court, which shall be a court of record and have a seal and consist of one judge, who shall be an attorney at law and reside in Belfast and be appointed and commissioned as in the constitution provided.

'Said court shall exercise jurisdiction over all such matters and things, civil and criminal, within the County of Waldo, as trial justices, justices

of the peace and justices of the peace and quorum may exercise and under similar restrictions and limitations, and exclusive jurisdiction over all offenses committed against the ordinances or by-laws of the City of Belfast, and over all such criminal offenses committed within the limits of the same as are cognizable by trial justices.

‘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 Waldo county, or, if a corporation, has an established place of business within said county, or, in which, in any actions not commenced by trustee process, any defendant resides in said county or if no defendant resides within the limits of this state and defendant is served with process in said county, or the personal property of any defendant is found within said county and is 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 sections six and seven of chapter ninety-nine of the revised statutes.’

Sec. 2. P. & S. L., 1911, c. 254, § 2; relating to removal of actions from Belfast Municipal Court to supreme court, amended. Section two of chapter two hundred and fifty-four of the private and special laws of nineteen hundred and eleven is hereby amended so that the same shall read as follows:

‘**Sec. 2. Procedure more clearly set forth.** Any defendant in a civil action, where his action is for twenty dollars or more may file a motion on the return day of the writ claiming a jury trial and file his plea and pay the judge two dollars and fifty cents, for copies, to be taxed in his costs if he prevails. Thereupon the said action shall be removed into the supreme judicial court for said county, and the judge 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 the supreme judicial court, 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 pleadings in such cases shall be the same as in the supreme judicial court.’

CHAP. 126

Sec. 3. P. & S. L., 1911, c. 254, § 3; relating to terms, costs etc., of the Belfast Municipal Court, amended. Section three of chapter two hundred and fifty-four of the private and special laws of nineteen hundred and eleven is hereby amended, so that the same shall read as follows:

'Sec. 3. Changes in the schedule of fees. Said municipal court shall keep its own records such as would be legal records in the trial justice court and certified copies of said records shall be legal evidence in the courts of this state.

'Said court shall be holden on the first and third Mondays of each month at nine o'clock in the forenoon, at such place in the city of Belfast as said city shall provide for the transaction of civil business and all processes shall be made accordingly.

'And in all actions wherein the debt or damages recovered by the plaintiff, or wherein the amount claimed if the defendant prevails, exceeds twenty dollars, the fees of the court parties and witnesses shall be the same as allowed by law in the supreme judicial court, except that there may be taxed for the trial of an issue the same fee as is legally taxable by trial justices.

'In criminal matters the fees shall be the same as are legally taxable by trial justices except that there may be taxed one dollar for issuing the warrant and two dollars for arraigning prisoner and trial of issue. There may also be taxed, for appeal copies, civil and criminal, two dollars and fifty cents including the seal and a like amount in libel cases.

'The price of blank writs and summonses signed by the judge of said court shall be four cents and no more.

'All fines, penalties and costs received by said judge in criminal cases shall be accounted for and paid over by said judge in the same manner as required of trial justices.'

Sec. 4. P. & S. L., 1911, c. 254, § 12; relating to proceedings in case office of judge is vacant, amended. Section twelve of chapter two hundred and fifty-four of the private and special laws of nineteen hundred and eleven is hereby amended, so that the same shall read as follows:

'Sec. 12. Correcting a clerical error. When the office of judge of said court shall be vacant by death, resignation or removal of the residence of said judge from said city, trial justices of said County of Waldo may perform within said city all acts and duties appertaining to the office of trial justice; and all proceedings commenced during such vacancy shall be finally determined by the trial justice, before whom they were commenced,

or by some other trial justice within said county; and in case of such vacancy all proceedings pending in said court shall stand continued to the term of said court next holden after such vacancy is filled.'

Approved April 6, 1921.

Chapter 127.

An Act to Amend Section Twelve of Chapter Seventy-five of the Private and Special Laws of Nineteen Hundred and Nineteen, Relating to the Salary of the Recorder of the Augusta Municipal Court.

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

P. & S. L., 1919, c. 75, § 12; relating to the recorder of the Augusta Municipal court, amended. Section twelve of chapter seventy-five of the private and special laws of nineteen hundred and nineteen is hereby amended by striking out the word "four" in the eighth line thereof and substituting therefor the word 'six,' so that said section, as amended, shall read as follows:

'Sec. 12. Compensation of recorder increased. The governor with the advice and consent of his council shall appoint a recorder who shall be a justice of the peace for said county duly qualified, and who shall be duly sworn, and in case of absence, sickness, or disqualification of the judge, or in the event of a vacancy of the office of judge, or at any other time at the request of said judge in order to expedite business, shall have the same powers as said judge. Said recorder shall be appointed for a term of four years, and as compensation in full for his services shall receive six hundred dollars per year, payable by the City of Augusta in the same manner as the salary of said judge.'

Approved April 6, 1921.

Chapter 128.

An Act to Amend Chapter One Hundred and Three of the Private and Special Laws of Nineteen Hundred and Nineteen, Amending Chapter Four Hundred and Forty-four of the Private and Special Laws of Nineteen Hundred and Seven, Relating to the Salary of the Clerk of the Lewiston Municipal Court.

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

P. & S. L., 1907, c. 444; 1915, c. 20; 1919, c. 103, § 1; relating to the salary of the clerk of the Lewiston Municipal Court and the amount allowed for clerk hire, amended. Chapter one hundred and three of the private and special laws of nineteen hundred and nineteen, is hereby amended by striking out the words "twelve hundred" in the