

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

Eighty-second Legislature

OF THE

STATE OF MAINE

1925

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.

KENNEBEC JOURNAL PRINT SHOP
AUGUSTA, MAINE

1925

Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Eighty-Second
Legislature

1925

treasury of the city of Lewiston when received by them. All witness fees and all other fees paid to the chief of police, captains and inspectors in their said capacities, from cases in said Lewiston municipal court and in the superior court of the county of Androscoggin shall be accounted for by them, and turned into the treasury of the city of Lewiston when received by them.'

Sec. 7. Local referendum provided for; form of ballot. On the first Tuesday of October after this act is enacted by the legislature an election shall be held in the city of Lewiston to determine whether the city of Lewiston shall approve this act. The ballots for said election shall be prepared by the city clerk of Lewiston. On said ballot shall be printed the following question. "Shall this act be approved? Vote "Yes" or "No" in the square marked "Yes" or the square marked "No." If a majority of the votes are in favor of the act the mayor shall forthwith issue his proclamation that the same has been accepted if the majority of the votes are opposed this act shall not take effect.

Approved April 9, 1925.

Chapter 104.

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, sec. 1; 1921, c. 126, sec. 1; relating to establishment of Belfast municipal court, jurisdiction, qualifications of judge, etc., amended. Section one of the private and special laws of nineteen hundred and eleven, chapter two hundred and fifty-four as amended by section one of chapter one hundred and twenty-six of the private and special laws of nineteen hundred and twenty-one, is hereby amended, so that the same shall read as follows:

'Sec. 1. Salary of judge fixed; disposition of fines and costs; civil jurisdiction increased. A municipal court shall be and hereby is established in and for the city of Belfast in the county of Waldo, 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; said judge to be appointed and commissioned as in the constitution provided. Said judge shall receive a salary of twelve hundred dollars per year for his services in criminal and civil cases to be paid from the treasury of the county of Waldo in monthly payments on the last day of each month. All fines, costs, and fees collected by said judge in criminal and civil cases, shall be paid by him to the treasurer of the county of Waldo, or to the proper state or

CHAP. 104

other department entitled to receive the same. Said court shall exercise jurisdiction over all such matters and things civil and criminal within the county of Waldo as trial justices and justices of the peace may exercise and may administer oaths, render judgments, issue executions, certify copies of its records, punish for contempt, and compel attendance as in the supreme judicial court, and may make all rules and regulations not repugnant to law that may be necessary for the prompt administration of justice and for the carrying into effect the provisions of this act and shall have 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, exclusive of costs, is over twenty dollars and not over three 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 three 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, sec. 3; 1921, c. 126, sec. 3; relating to records, terms, procedure and fees in said court, amended. Section three of chapter two hundred and fifty-four of the private and special laws of nineteen hundred and eleven as amended by section three of chapter one hundred and twenty-six of the private and special laws of nineteen hundred and twenty-one, is hereby amended, so that the same shall read as follows:

'Sec. 3. Length of terms; adjournment; additional provisions relating to court procedure provided for; blanks and record books to be provided by county; provisions for appointment of trial justice to act in temporary absence of judge; in case of vacancy trial justices to have jurisdiction. Said municipal court shall keep its own records such as would be legal

records in trial justice court and certified copies of such 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 ten 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 may remain in session one or more days as justice and convenience may require, and said court may adjourn from time to time as justice and convenience may require. No writ or other civil process shall be entered after twelve o'clock on any of said term days unless by special leave of court. When a defendant legally served, fails to enter his appearance, by himself or his attorney by twelve o'clock on the first day of the return term he may be defaulted, but if he afterward appear during the term the court may for sufficient cause permit the default to be taken off. But it cannot be taken off after the first term without consent of the plaintiff, unless the judge shall make a special order to that effect after notice to and an opportunity for a hearing of the plaintiff. Pleas and motions in abatement must be filed on the first day of the term to which the action is returnable. The defendant may file his pleadings in bar at any time after the writ is entered, and must file them before he can ask that a day be set for trial. If at any term the plaintiff files a motion asking that the defendant be ordered to file his pleadings, the judge shall order the defendant to file them accordingly, and shall notify the defendant thereof in such a manner as he deems proper. If the defendant in such case does not file his pleadings on or before the first day of the next term he shall be defaulted, unless the court for good cause enlarge the time for which it may impose reasonable terms. Actions of forcible entry and detainer seasonably answered to shall be in order for trial at the return term, and shall remain so until tried or otherwise disposed of finally, unless continued by consent, or on motion of either party for good cause shown, in which latter case the court may make such terms as it deems reasonable. Actions in which the plaintiff has given to the defendant thirty days' written notice or the defendant has given the plaintiff ten days' written notice that a trial will be demanded at the return term, on proving such notice, shall be in order for trial at such term, but all other actions except actions of forcible entry and detainer shall be continued as of course to the next term. Actions shall be assigned for trial as follows: At any term either party may ask the court to assign the action for trial at the next or some other term. The party asking the earlier assignment shall have it granted, unless there is some good reason for the contrary, and the court shall notify the other party of the time set for trial as he deems proper. Any party may appear on the first day of a term, and by motion show cause for a continuance, which the judge may grant with or without terms, as he deems right or may refuse. To serve the best interests of

CHAP. 104

the parties, trials may be had at any time in or out of term time and at any place within said judicial district, by the consent of the parties thereto, or on motion by either party on hearing granted by the court, or by order of the court. In all actions wherein the debt or damages claimed by the plaintiff exceeds twenty dollars, the fees of the 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 sum as in trial justice courts.

‘And in any and all actions wherein the debt or damage claimed by the plaintiff does not exceed twenty dollars, the fees to be taxed shall be the same as allowed by law in trial justice courts, except that the plaintiff if he prevails shall recover two dollars for his writ and the defendant if he prevails shall recover one dollar for his pleadings.

‘In criminal matters the fees shall be the same as are legally taxable by trial justices, except that there may be taxed one dollar and fifty cents for issuing a warrant, and twenty-five cents for each copy of bill of costs certified to the supreme judicial court or to the county commissioners court, and also two dollars and fifty cents for copies civil and criminal for the supreme judicial court, including the seal, and a like amount in libel cases, which fees if collected by the judge shall be paid to the county of Waldo.

‘All expenses of said court including the blank books of record, dockets, blanks, and all other stationery and supplies necessary for the use of said court, shall be paid from the treasury of the county of Waldo. The price of blank writs and summonses signed by the judge shall be four cents, and two cents for each additional summons.

‘The judge of the court may designate in writing under seal of said court some trial justice in the city of Belfast who shall be an attorney at law, who shall exercise all the powers, criminal and civil, of said judge in case said judge is prevented by absence from the court-room, sickness or other cause, from exercising his duties as judge and the signature of said trial justice so designated on any warrant or other precept, process or paper from said court, shall be sufficient evidence of his authority to act in the premises without any recital therein of the provisions of this act. In case said judge shall be absent from said city or otherwise unable to attend to his duties as judge, except in case of sickness, for more than two consecutive weeks, he shall personally pay said trial justice for his services in criminal cases at the same rate established by the schedule of fees provided in this act; unless the same be taxed and collected of the respondents tried in said cases.

'In case the office of judge be vacant trial justices in Belfast may exercise all the powers conferred on them by the general law until said vacancy be filled and may hear and finally dispose of all matters then pending before them when said vacancy is filled.'

Sec. 3. Jurisdiction of trial justices denied. Trial justices are hereby deprived of jurisdiction over any and all criminal matters within the city of Belfast except as provided in this act.

Sec. 4. Inconsistent acts repealed. All acts or parts of acts relating to the Belfast municipal court inconsistent with this act are hereby repealed.

Approved April 10, 1925.

Chapter 105.

An Act to Incorporate the Personal Finance Company.

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

Sec. 1. Corporators; corporate name; powers. Harry H. Cannell of Portland in the county of Cumberland and state of Maine, Silas P. Gates of Chelsea in the county of Suffolk and commonwealth of Massachusetts, Frank E. Wallace of East Orange in the county of Essex and state of New Jersey, Richard Stockton, Jr., of Trenton in the county of Mercer and state of New Jersey and Alfred G. Zimmerman of the city, county and state of New York, and their associates, successors and assigns, are hereby created a corporation by the name of the "Personal Finance Company" with power by that name to sue and be sued; to have and use a common seal, and to establish suitable by-laws and regulations for the proper management of its affairs, not repugnant to the general corporation law of the state.

Sec. 2. Location. The principal office and place of business in Maine is to be located in the city of Portland, county of Cumberland, as fixed by the directors, and the corporation may establish branch offices.

Sec. 3. Purposes of corporation. The purposes for which this corporation is formed and the nature of the business to be transacted by it are as follows: To engage in the business of making loans or advancements of moneys upon conditions and lawful terms as agreed; also to obtain a license under the provisions of chapter two hundred and ninety-eight of the public laws of nineteen hundred and seventeen and acts amendatory thereof and additional thereto, now existing and hereafter made, to engage in the business of making loans of three hundred dollars or less, repay-