

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-fifth Legislature

OF THE

STATE OF MAINE

1931

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1931

Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Eighty-Fifth
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Cumberland Bar Association, in executing and delivering to the said Cumberland Bar Association, corporation as aforesaid, a certain written instrument purporting to convey all such property and rights, are hereby ratified, confirmed, made legal and declared to have been lawful and to have effected a valid transfer and conveyance to said Cumberland Bar Association, corporation as aforesaid, of all such property and rights theretofore taken and held, under and by virtue, of the terms of the said will of said Henry B. Cleaves, whether the property and rights came to said Cumberland Bar Association, corporation as aforesaid, prior or subsequent to the date of said conveyance and transfer.

The register of deeds for said Cumberland county is hereby authorized and required to record the said written instrument, above mentioned, without acknowledgment thereof, upon presentation and payment of the fee for recording such instruments and said register shall note in the margin of the record, an appropriate reference to this act.

Approved March 6, 1931.

Chapter 37.

AN ACT to Authorize the City of South Portland to Pass Ordinances to Regulate Cemeteries and Burials.

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

South Portland; authority to make certain ordinances. The city council of the city of South Portland may provide by ordinance for the regulation of all existing and future cemeteries and burial grounds within its city limits and may by city ordinance, prohibit the burial of bodies within certain restricted and defined zones.

Approved March 7, 1931.

Chapter 38.

AN ACT to Amend the Charter of the Livermore Falls Municipal Court.

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

P. & S. L., 1899, c. 120, secs. 1, 2, 6 and 15; P. & S. L., 1913, c. 233; P. & S. L., 1915, c. 73; P. & S. L., 1919, c. 34; P. & S. L., 1927, c. 117; relating to Livermore Falls municipal court charter, further amended. Sections one, two, six and fifteen of chapter one hundred twenty of the private and special laws of eighteen hundred ninety-nine relating to the establishment of the Livermore Falls Municipal Court for the towns of

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Livermore, East Livermore and Leeds in the county of Androscoggin, as amended by chapter two hundred thirty-three of the private and special laws of nineteen hundred thirteen, as amended by chapter seventy-three of the private and special laws of nineteen hundred fifteen, as amended by chapter thirty-four of the private and special laws of nineteen hundred nineteen, and as amended by chapter one hundred seventeen of the private and special laws of nineteen hundred twenty-seven, is further amended by striking out the words "East Livermore" wherever they appear in said sections one, two, six and fifteen, and substituting therefor the words 'Livermore Falls', so that said sections, as amended, shall read as follows:

'Sec. 1. Livermore Falls municipal court established. A municipal court is hereby established in and for the towns of Livermore, Livermore Falls and Leeds, in the county of Androscoggin, to be denominated the Livermore Falls Municipal Court; said court shall consist of one judge, who shall reside during his continuance in said office, in one of said towns of Livermore, Livermore Falls or Leeds, and who shall be appointed, qualified and hold his office as provided in the constitution, and who shall be, ex-officio, a justice of the peace and of the quorum, and have and exercise a concurrent authority and jurisdiction with trial justices over all matters and things by law within their jurisdiction, and such authority and jurisdiction additional thereto as is conferred upon him by this act.'

'Sec. 2. Jurisdiction. Said court shall have jurisdiction as follows: exclusive jurisdiction of all such criminal offenses and misdemeanors committed within said towns of Livermore, Livermore Falls or Leeds as are cognizable by trial justices.

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 trustee, reside in either of the towns of Livermore, Livermore Falls or Leeds; including prosecutions for penalties in which either of said towns are interested, and actions of forcible entry and detainer arising therein provided, that any civil action, in which the judge is interested, but which otherwise would be within the exclusive jurisdiction of said court, may be brought in and disposed of by the municipal court of the city of Auburn or the municipal court of the city of Lewiston in the same manner and with like effect as other actions therein.

Original jurisdiction concurrent with the superior court for the county of Androscoggin, of the offenses committed in Livermore, Livermore Falls and Leeds described in sections one, six, seven, eight and ten of chapter one hundred twenty-two of the revised statutes of nineteen hundred sixteen, when the alleged value of the property does not exceed fifty dollars; of the offenses described in section twenty-six of chapter one hundred

twenty of the revised statutes of nineteen hundred sixteen; of the offenses described in sections one and five of chapter one hundred twenty-eight of the revised statutes of nineteen hundred sixteen, 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 or by imprisonment in the county jail for not more than six months; and also of the offense described in section seven of chapter one hundred twenty-six of the revised statutes of nineteen hundred sixteen, and on conviction may punish therefor by a fine not exceeding fifty dollars or by imprisonment in the county jail for not more than thirty days.

Original jurisdiction concurrent with said superior court and the municipal court for the city of Auburn and the municipal court for the city of Lewiston, of all civil actions in which the debt or damage demanded exceeds twenty dollars, but does not exceed five hundred dollars and the defendant or a party summoned as trustee resides within the towns of Livermore, Livermore Falls or Leeds; provided, however, that any action wherein the debt or damage 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 deposits with the judge the fee of the clerk of the court 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, an attested copy of the writ in such action, and of said motion and affidavit, 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 to him by the defendant and recovered by him with his costs, if he prevail in the suit.'

'Sec. 6. Terms; when court may be held. Said court shall be held on the third Tuesday of each month for the entry, trial and determination of civil actions of all kinds that may lawfully be brought before it, and for the transaction of other civil business, and upon each other Tuesday for the entry, trial and determination of actions of forcible entry and detainer only, at ten o'clock in the forenoon, at such suitable place as the judge may determine, until the town of Livermore Falls shall provide a court room, when the court shall be held therein, and all civil processes shall be made returnable accordingly; and it may be adjourned from time to time by the judge, at his discretion, but it shall be considered in constant session for the cognizance of criminal actions. Provided that, if said judge is prevented by any cause from attending at the time said court is

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to be held for civil business, it may be adjourned from day to day by a constable of said Livermore Falls or a deputy sheriff of the county of Androscoggin, without detriment to any action then returnable or pending, until he can attend, when said actions may be entered or disposed of with the same effect as if it were the first day of the term; and it may be so adjourned without day when necessary, in which event, pending actions shall be considered as continued, and actions then returnable may be returned and entered at the next term, with the same effect as if originally made returnable at said term.'

'Sec. 15. Jurisdiction of trial justices restricted. Trial justices are hereby restricted from exercising any jurisdiction in the towns of Livermore, Livermore Falls and Leeds over any matter or thing, civil or criminal, except such as are within the jurisdiction of justices of the peace and quorum and except that they may issue warrants on complaints for criminal offenses, to be returned before said municipal court.'

Approved March 6, 1931.

Chapter 39.

AN ACT Relating to the Construction of a Road in the Town of Guilford.

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

Certain road in Guilford; town authorized to raise money for. For the purpose of completing the road through the town of Guilford, from Guilford Village to Willimantic, in Piscataquis county, designated in the state highway commission's records as state aid road number two, said town of Guilford is hereby authorized to raise and appropriate money under sections twenty-five to thirty-two of chapter twenty-eight of the revised statutes, and shall be entitled to receive from the state an apportionment as provided under said chapter and be subject to all the provisions thereof, any funds not used for the construction of said state aid road number two, to be used on the three town act road beginning at the Abbot-Guilford town line and extending through the towns of Guilford, Sangerville and Dover-Foxcroft.

Approved March 7, 1931.