

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
AS PASSED BY THE
Ninety-first and Ninety-second
Legislatures
OF THE
STATE OF MAINE

From April 10, 1943 to April 21, 1945
AND MISCELLANEOUS STATE PAPERS
From April 10, 1943 to May 24, 1945

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Ninety-second Legislature

1945

Chapter 63

AN ACT Relating to the Houlton Municipal Court.

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

P. & S. L., 1911, c. 154, amended. Chapter 154 of the private and special laws of 1911, as amended, is hereby amended further to read as follows:

Sec. 1. A municipal court is hereby established at Houlton, in the county of Aroostook, which shall be called the Houlton municipal court. It shall be a court of record and have a seal. It shall consist of 1 judge and a recorder.

The judge shall reside at Houlton. He shall be appointed, and shall give bond in accordance with the constitution and the laws of this state. His salary shall be \$2500 a year, to be paid monthly from the treasury of the county of Aroostook.

The recorder shall be appointed by the governor, with the advice and consent of the council, for a term of 4 years. He shall reside at Houlton. His salary shall be \$1,000 a year, to be paid monthly from the treasury of the county of Aroostook. His duties shall include such duties as are performed by clerks of the superior court, so far as applicable. He shall record the doings of the court in civil and criminal dockets, and he shall keep a separate docket of juvenile delinquency cases. He shall be the custodian of all money paid into court which he shall account for and pay over as required by law, and shall give bond to the county of Aroostook for the faithful performance of his duties in such sum and with such surties as the county commissioners shall approve.

The recorder and the judge shall have equal authority in criminal cases to hear and draft complaints, administer oaths, take bail, and sign all processes of commitment. All processes issued by the recorder in criminal matters shall bear the seal of the court and be signed by him, and they shall have the same effect as though signed by the judge.

When the judge is absent from the court room, or is interested, or if the office of judge is vacant, 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 recorder's absence or of a vacancy in the office of recorder, the judge may appoint a recorder who shall be sworn by the judge and act during such absence or until the vacancy is filled. If the judge and the recorder are

both necessarily absent, either may designate some other municipal court judge or justice of the peace in said county to perform the functions of the court for the time being.

Sec. 2. This court shall have exclusive jurisdiction over all offenses committed against the ordinances of the town of Houlton, and jurisdiction over all other matters, civil and criminal, in the county of Aroostook in accordance with the provisions of law which govern municipal courts in this state. The court may administer all necessary oaths, render judgment and issue execution, punish for contempt and compel attendance as is done in the superior court. All writs and processes shall be in the name of the state and bear the teste of the judge or of the recorder acting as judge, under the seal of the court. The rules of the superior court, as amended from time to time, that relate to actions at law, and are not limited by the public laws regulating municipal courts or by the provisions of this act, shall be the rules of the Houlton municipal court.

Sec. 3. A civil term of this court shall be held the first Monday of each month at 10 o'clock in the forenoon, and shall not be adjourned thereafter until at least 3 days have elapsed, provided, however, that a term shall be held every Monday at 10 o'clock in the forenoon for the entry and trial of actions of forcible entry and detainer, which shall be in order for trial at the return day. Writs shall be filed in court on or before noon of the first day of each term; and no civil action shall be entered thereafter, unless by consent of the adverse party and by leave of the court, or unless the court shall allow the same upon proof that the entry was prevented by inevitable accident or for other sufficient causes. The court shall be in constant session for the cognizance of criminal offenses. All pleadings shall be the same as in the superior court.

Sec. 4. In any civil action in which the debt or damage demanded exceeds \$20, the defendant or his attorney may, on or before the first day of the second term of said action, file in court a motion for the removal of said action to the superior court, and deposit with the recorder \$2, whereupon the recorder shall cause certified copies of the writ, the officer's return, and the defendant's motion and all other papers in the case to be filed immediately in the superior court, and shall pay the entry fee thereof. Such actions shall then be entered on the docket of the term next preceding such filing, unless the superior court is then in session, in which case the action shall be entered forthwith.

If no motion for removal is filed, the municipal court shall proceed to determine said action, subject to the right of appeal in either party as provided by law.

Sec. 5. The county commissioners shall provide a suitable place in Houlton for the holding of the court, and all expenses thereof shall be paid from the treasury of the county of Aroostook.

Effective July 21, 1945

Chapter 64

AN ACT Relating to the Salaries of the Police Department of the City of Lewiston.

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

Sec. 1. P. & S. L., 1939, c. 8, Art. XI, § 11, amended. Section 11 of Article XI of chapter 8 of the private and special laws of 1939, as amended by section 7 of chapter 86 of the private and special laws of 1943, is hereby further amended to read as follows:

'Sec. 11. **Police matron.** A police matron shall be appointed by the commission and hold such office until retired or removed as provided for by law, and whose duties and powers in general shall be similar to that of a patrolman. She shall be entitled to a vacation of 2 weeks in each calendar year at such time as may be appointed by the chief of police, with pay. The salary of said police matron shall be fixed at ~~\$1,400~~ \$1,600 per annum payable in equal weekly installments by the city treasurer. After having served as police matron or in a similar capacity, when her aggregate term of service shall equal 25 years or who while in the performance of duty in the department has become permanently disabled, upon her petition, she shall be retired and thereupon shall be entitled to a pension equal to $\frac{1}{2}$ of the pay she was receiving at the time of her retirement or permanent disability. ~~Provided, however, that for the period between April 1, 1943 and March 31, 1945 the salary of said police matron shall be fixed at \$1,600 per year.~~ Provided, however, that nothing herein shall be construed to deprive the incumbent police matron of the years of service presently accrued as police matron of said department.'

Sec. 2. P. & S. L., 1939, c. 8, Art. XI, § 12, amended. Section 12 of Article XI of chapter 8 of the private and special laws of 1939 is hereby amended to read as follows:

'Sec. 12. **Special patrolmen.** Special patrolmen with pay shall be appointed by the chief of police from a list furnished him by the commission,