

MAINE STATE LEGISLATURE

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

From April 22, 1945 to May 14, 1947
AND MISCELLANEOUS STATE PAPERS
From May 25, 1945 to May 14, 1947

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Ninety-third Legislature

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Chapter 1

AN ACT Relating to Writ of Audita Querela Before Justice in Vacation.

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

R. S., c. 114, § 6, amended. Section 6 of chapter 114 of the revised statutes is hereby amended to read as follows:

'**Sec. 6. Proceedings, if complainant in prison.** When the complainant is in prison on execution, the court, before which such action described in this chapter is brought, **or any justice thereof in vacation**, may admit him to bail, to be approved by the court **or such justice**; the bond shall be conditioned, that if final judgment is rendered for the respondent, the complainant, within 30 days thereafter, shall surrender himself to the jail keeper to be detained on the execution, or within that time satisfy it and such final judgment as the respondent recovers.'

Effective August 13, 1947

Chapter 2

AN ACT Providing for Procedure for Eminent Domain for Park Commission.

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

R. S., c. 32, § 23, amended. Section 23 of chapter 32 of the revised statutes is hereby amended by adding thereto a new subsection to be numbered IX, to read as follows:

'**IX.** When land is taken by eminent domain, the proceedings for such

purpose shall be in accordance with the provisions of sections 12 to 22, inclusive, of chapter 48.'

Effective August 13, 1947

Chapter 3

AN ACT Amending the Small Claims Law.

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

Sec. 1. R. S., c. 96-A, § 2, amended. Section 2 of chapter 96-A of the revised statutes, as enacted by chapter 307 of the public laws of 1945, is hereby amended to read as follows:

'Sec. 2. **Procedure established.** There is hereby established a simple, speedy, and informal procedure which a plaintiff or his authorized attorney may pursue in an action commenced before a justice judge of a municipal court for the determination of a small claim. Such procedure shall be alternative and not exclusive.'

Sec. 2. R. S., c. 96-A, § 3, amended. Section 3 of chapter 96-A of the revised statutes, as enacted by chapter 307 of the public laws of 1945, is hereby amended to read as follows:

'Sec. 3. **Process.** A plaintiff or his authorized attorney hereunder shall state the substance of his claim to the justice judge, recorder or clerk of the municipal court having jurisdiction thereof who shall briefly record the notice of the claim and set a date for hearing. The plaintiff or his authorized attorney shall at the same time pay an entry fee of \$1.75.'

Sec. 3. R. S., c. 96-A, § 4, amended. Section 4 of chapter 96-A of the revised statutes, as enacted by chapter 307 of the public laws of 1945, is hereby amended to read as follows:

'Sec. 4. **Disposition of fees.** Of the amount of the entry fee the justice judge shall be allowed the sum of \$1 for his services, 25c to be used for postage for notice to the defendant, 25c for the use of the town in which the court is established and 25c for the clerk or recorder of the court, provided that in towns where there is no clerk or recorder of the municipal court in addition to the \$1 the justice judge shall be allowed 25c for his services as such clerk or recorder.'

Sec. 4. R. S., c. 96-A, § 6, amended. The 1st sentence of section 6 of chapter 96-A of the revised statutes, as enacted by chapter 307 of the public laws of 1945, is hereby amended to read as follows:

'The justice judge shall cause notice of the claim and the substance thereof