

MAINE STATE LEGISLATURE

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ONE - HUNDRETH LEGISLATURE

Legislative Document

No. 470

H. P. 318

House of Representatives, January 18, 1961

Referred to the Committee on Judiciary, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Rust of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT Relating to Funds in Custody of Clerks of Courts.

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

R. S., c. 89, § 100, amended. The 2nd paragraph of section 100 of chapter 89 of the Revised Statutes is amended to read as follows:

'Proceeds of all sales of property made under the **judgment or** decree of the Supreme Judicial Court ~~and or~~ of the Superior Court and any and all other sums of money from whatever source derived in civil proceedings coming into the custody of the Supreme Judicial Court ~~and or~~ of the Superior Court shall be deposited in such depository as the court having custody of such money shall designate, and shall be withdrawn therefrom upon order of the clerk of courts, countersigned by any Justice of the Supreme Judicial Court or of the Superior Court ~~in term time or vacation~~. Any justice of either of said courts ~~in term time or vacation~~ shall designate some proper ~~bank or trust company~~ as the depository for the funds ~~hereinbefore~~ referred to and such designation shall be minuted on the docket of the court. ~~At each regular term of the superior court in each county, the presiding justice shall verify the account kept with such depository and shall cause to be minuted on the docket that he finds the same to be accurate and duly vouched. He shall affix his signature to such certificates on the docket.~~ Clerks of court in the several counties shall keep a regular ~~book record~~ containing the account of such funds showing the deposits and all accumulations thereof and the amounts withdrawn therefrom, specifying the date of such withdrawal and the case to which such matters relate. All deposits shall be in the name of the ~~court incumbent clerk of courts~~ as custodian.

Whenever any of said funds are ordered by the court to be paid to a person entitled to same, $\frac{1}{2}$ of the accrued interest, if any, shall be paid to the county treasurer for the use of the county, and the other $\frac{1}{2}$ paid to the claimant unless otherwise ordered by the court. Whenever any of said funds remain unclaimed for 20 years from the date when payable under said court judgment or decree, the clerk shall obtain an order from the court, under whose judgment or decree said funds were placed in his custody, that a comprehensive abstract of the facts be advertised for 3 weeks successively in a newspaper of general circulation published in the county, and if no one appears to claim said funds within 60 days after date of the last publication, the same shall become forfeited to the county and be paid by said clerk to the county treasurer for the use of the county. That portion of this section providing for the forfeiture of unclaimed funds shall apply to funds held by the clerk of courts for more than 20 years from the effective date of this act.