

MAINE STATE LEGISLATURE

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Acts and Resolves

As Passed by the

Seventy-Eighth Legislature

OF THE

STATE OF MAINE

1917

Including Acts and Resolves of the Special Session of the
Seventy-Seventh Legislature held in 1916.

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Seventy-Eighth Legislature

1917

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Chapter 161.

An Act to Amend Paragraph One of Section Four of Chapter Seventy-two of the Revised Statutes, Relating to the Appointment of Guardians.

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

R. S., c. 72, § 4, par. 1, relating to the appointment of guardians for adults, amended. Paragraph one of section four of chapter seventy-two of the revised statutes is hereby amended by adding before the word "persons" in the first line the word 'all' and after the word "persons" the words 'including those', and by striking out the word "including" in said first line and substituting therefor the word 'and', so that said paragraph as amended shall read as follows:

¶ I. Provisions made to include all persons. All persons, including those insane or of unsound mind, and married women, who by reason of infirmity or mental incapacity, are incompetent to manage their own estates, or to protect their rights.'

Approved April 3, 1917.

Chapter 162.

An Act in Addition to Sections Forty-four, Forty-five, Forty-six and Forty-seven of Chapter Eighty-six of the Revised Statutes, Relating to Attachment of Property Mortgaged or Pledged.

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

Sec. 1. Mortgagee may be summoned to give information. Personal property, which is subject to a mortgage and is in the possession of the mortgagor may be attached as if unencumbered; and the mortgagee or his assigns may be summoned in the same action in which the property is attached as the trustee of the mortgagor or his assigns to answer such questions as may be put to him or them by the court or by its order relative to the consideration of the mortgage and the amount due thereon.

Sec. 2. Validity of mortgage established; proceedings. If upon such examination, or upon the verdict of a jury as hereinafter provided, it appears that the mortgage is valid, the court, having first ascertained the amount justly due upon it, may direct the attaching creditor to pay the same to the mortgagee or his assigns within such time as it orders; and if he does not pay or tender the amount within the time prescribed, the attachment shall be void and the property shall be restored.

Sec. 3. Validity of mortgage may be tried before jury; costs. If the attaching creditor denies the validity of the mortgage and moves that the validity may be tried by a jury, the court shall order such trial upon an issue which shall be framed under its direction and if, upon such examination or verdict, the mortgage is adjudged valid, the mortgagee or his assigns shall recover his costs.

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Sec. 4. Balance after satisfying mortgagee to be applied to debt of attaching creditor. When the creditor has paid to the mortgagee or his assigns the amount ordered by the court, he may retain out of the proceeds of the property attached, when sold, the amount so paid with interest, and the balance shall be applied to the payment of his debt.

Sec. 5. When attaching creditor does not recover judgment. If the attaching creditor, after having paid the amount ordered by the court, does not recover judgment, he may nevertheless hold the property until the debtor has repaid with interest the amount so paid.

Approved April 3, 1917.

Chapter 163.

An Act to Amend Section One of Chapter Eleven of the Revised Statutes, Relating to the Collection of Taxes and the Commitment of Poll Taxes in Incorporated Places.

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

R. S., c. 11, § 1, relating to towns fixing date when taxes shall be payable. Section one of chapter eleven of the revised statutes is hereby amended by inserting in the fourth line of said section, between the word "that" and the word "the" the following words: 'any town or city may provide at its annual meeting that', so that said section as amended, shall read as follows:

'**Sec. 1. May designate first day of May at annual town meeting, for payment of poll taxes.** Towns, at their annual meetings, may determine when the lists named in section eighty-five of chapter ten shall be committed, and when their taxes shall be payable, and that interest shall be collected thereafter; provided, however, that any town or city may provide at its annual meeting that the poll taxes shall be due and payable on the first day of May and the commitment of the lists of poll tax payers shall be made to the collector prior to that date.'

Approved April 3, 1917.

Chapter 164.

An Act to Correct Typographical Errors in Section One Hundred and Sixteen of Chapter Seven of the Revised Statutes, Relating to Illegal Voting.

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

R. S., c. 7, § 116, relating to punishment of misconduct at elections. Section one hundred and sixteen of chapter seven of the revised statutes is hereby amended so as to read as follows:

'**Sec. 116. Penalty. (Correcting typographical error).** At any meeting for the election of any officer, where a list of voters is necessary, whoever wilfully votes before the presiding officer has had opportunity to find his