

MAINE STATE LEGISLATURE

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REVISED STATUTES

OF THE

STATE OF MAINE

1954

1957 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 3

**Place in Pocket of Corresponding
Volume of Main Set**

THE MICHE COMPANY
CHARLOTTESVILLE, VIRGINIA
1957

manner provided for withdrawal in subsection I of this article specify its intention not to be bound to the state depositing such notice and such adoption thereupon shall not be binding upon the state so acting.

Article 8.

Severability and construction. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state, or in the case of a component governmental unit, to the constitution of the state of which it is a part, or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby; provided that if this compact shall be held invalid or contrary to the constitution of any government participating therein the compact shall remain in full force and effect as to the remaining governments and in full force and effect as to the government affected as to all severable matters. It is the intent that the provisions of this compact shall be reasonably and liberally construed. (1955, c. 245.)

Sec. 2. Secretary of state as receiving officer.—The secretary of state is hereby designated as the officer to receive all documents deposited pursuant to articles 6 and 7 of the interpleader compact. The secretary of state is also directed hereby to act as the repository for all such documents and to keep and make available upon request a complete list of the states with which this state is party to the interpleader compact, together with such other information as may be in his possession concerning the status of such compact in respect to enactment and withdrawals therefrom. (1955, c. 245.)

Sec. 3. Duties of governor.—As used in subsection III of article 7 of the interpleader compact, the phrase "executive head" shall mean the governor of this state. In the event that the governor shall take any action pursuant to subsection III of article 7 of such interpleader compact, he shall promptly notify the secretary of state and shall deposit with him copies of any and all official communications and documents relating to such action. The governor shall take appropriate action pursuant to subsection III of article 7 of the interpleader compact so as not to become party thereto with any state not recognized by the United States of America or with any state the features of whose legal system make the equitable operation of said compact impracticable. (1955, c. 245.)

Chapter 116.

Jury Commissioners. Jurors.

Sec. 4. Preparation of lists of persons qualified to serve as jurors.

The commissioners may add names to such list as often as may be necessary to maintain the number herein provided. They may also drop from the list names of persons who, by reason of age, infirmity, death or other disability, could not reasonably be expected to serve as jurors if called, and shall drop therefrom names of persons engaged in the unlawful traffic in intoxicating liquors or who are known to be habitually addicted to the use of intoxicating liquors or who have been convicted of any scandalous crime or gross immorality. No person shall be qualified or selected for jury service who has served as such at any term of the superior court held within 3 years next preceding the reselection of said person by the jury commissioners. (R. S. c. 103, § 2. 1957, c. 248.)

Effect of amendment. — The 1957 amendment added the last sentence of the last paragraph. As the rest of the section was not changed by the amendment, only the last paragraph is set out.

Sec. 5. Selection.—On receipt of written or verbal notice from the clerk or deputy clerk of courts of their respective counties designating the number of jurors required and date on which they are to report for duty, said commissioners shall forthwith select, by such method as will give a fair and just distribution according to population, a sufficient number of persons to perform jury service at the prospective term. Such selection shall be made with reasonable allowances for supernumeraries and for unforeseen causes of inability to attend. Summonses for those so elected shall be prepared by said commissioners and mailed by registered mail, postage prepaid, to each person selected at his regular place of abode. A returned registered receipt shall be sufficient evidence that the person or persons so selected have received the above-named summons. Additional jurors may in like manner be drawn and summoned at any time during a term of court by direction of the presiding justice, and they may be summoned to attend at such time as the court may direct. When, by reason of challenge or other cause, a sufficient number of jurors duly drawn and summoned cannot be obtained for the trial of a cause, the court shall cause jurors to be returned from the bystanders or from the county at large to complete the panel. Such jurors shall be returned by the sheriff or his deputy or such other disinterested person as the court appoints. Grand jurors shall be selected in like manner prior to the first term of the superior court to be held for the transaction of criminal business on or after the 1st day of September annually, and grand jurors shall serve at each criminal term during the year. When the number of grand jurors is reduced by death or otherwise, additional grand jurors may be selected and summoned under direction of the court at any time. (R. S. c. 103, § 3. 1955, c. 405, § 51.)

Effect of amendment.—The 1955 amendment repealed and replaced the third, fourth and fifth sentences of this section, so as to correct a typographical error in the original.

Sec. 8. Fees.—Grand and traverse jurors attending the superior court and jurors attending on any other occasion prescribed by law shall be allowed \$10 for each day's actual attendance, and 10¢ a mile for their travel out and home once each week, to be paid out of the county treasury. (R. S. c. 103, § 6. 1945, c. 193. 1953, c. 148. 1955, c. 412, § 1.)

Effect of amendment.—The 1955 amendment, which was made effective June 1, 1956, increased the fees from \$8 a day and from 8¢ to 10¢ a mile and inserted the words "once each week" near the end of the section.

Chapter 119.

Statute of Frauds. Bulk Sales Act. Conditional Sales. Assignment of Wages. Contracts for Sale of Real Estate.

Statute of Frauds.

Sec. 1. Cases in which promise must be in writing; consideration need not be expressed therein.

II. PROMISE TO ANSWER FOR DEBT, ETC., OF ANOTHER.

B. Original and Collateral Promises.
1. In General.

And in ascertaining to whom credit was extended, etc.

In accord with original. See Delaware Feed Stores v. First Auburn Trust Co., 151 Me. 372, 120 A. (2d) 223.

Manner in which account charged, etc.
In accord with original. See Delaware Feed Stores v. First Auburn Trust Co., 151 Me. 372, 120 A. (2d) 223.

IV. CONTRACTS RELATING TO LAND.

E. Part Performance.
2. Sufficiency of Acts of Performance.
Illustrative case.—The plaintiff having