

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1959 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES
VOLUME 4

Place in Pocket of Corresponding
Volume of Main Set

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1959

REVISED STATUTES OF MAINE

1959 Cumulative Supplement

VOLUME 4

Chapter 120.

Relief of Poor Debtors. Disclosure Commissioners.

Exemption from Arrest.

Sec. 1. Repealed by Public Laws 1959, c. 317, § 255.

Effective date and applicability of Public Laws 1959, c. 317. — Section 420, chapter 317, Public Laws 1959, provides as follows: "This act shall become effective December 1, 1959. It shall apply to all actions brought after December 1, 1959 and also to all further proceedings in actions at law or suits

in equity then pending, except to the extent that in the opinion of the court the application of this act in a particular action pending on December 1, 1959 would not be feasible or would work injustice, in which event the laws in effect prior to December 1, 1959 would prevail."

Arrests and Disclosures on Leaving the State.

Sec. 2. Debtor about to leave state arrested. — Any person, whether a resident of the state or not, may be arrested and held to bail or committed to prison on mesne process in any action, if the sum demanded amounts to \$10, when he is about to depart and reside beyond the limits of the state with property or means of his own exceeding the amount required for his immediate support, if the creditor, his agent or attorney makes oath before a justice of the peace, to be certified by such justice on said process, that he has reason to believe and does believe that such debtor is about so to depart, reside and take with him property or means, and that the demand or principal part thereof, amounting to at least \$10, is due to him. (R. S. c. 107, § 2. 1959, c. 317, § 256.)

Effect of amendment.—The 1959 amendment substituted "in any action" for "on a contract express or implied" and deleted "or on a judgment on contract if the debt originally recovered and remaining due is \$10 or more, exclusive of interest" follow-

ing "\$10," near the beginning of the section, and deleted "as aforesaid" following "property or means" near the end of the section.

Effective date of 1959 amendment.—See note to § 1.

Disclosures on Mesne Process before Judgment.

Sec. 8. Disclosure before judgment; notice.—When a person is served with a summons or other mesne process in any action, in any other manner than by arrest of the body, he may, at any time before final judgment, appear before the court or justice before whom such process is pending or a disinterested commissioner or commissioners appointed by said court or justice and submit himself to examination. Such court, justice or commissioner shall give notice and proceed to take his disclosure as provided in sections 4, 5 and 6 and with like effect. The court may continue the cause to permit such disclosure to be taken. (R. S. c. 107, § 8. 1959, c. 317, § 257.)

Effect of amendment.—The 1959 amendment divided the section into three sentences, substituted "a summons" for "an

original writ" and "in any action" for "founded on such contract or judgment" near the beginning of the first sentence and

deleted "writ or" preceding "process is pending" in that sentence.

Effective date of 1959 amendment.—See note to § 1.

Sec. 12. Disclosure on mesne process by consent of parties.—At any time the parties to the action, by a written agreement, may appear before a justice of the peace in the county where the action is pending. The defendant shall make the disclosures and submit to the examinations and proceedings required in section 8, and the record thereof shall, before final judgment, be returned to the court or justice before which the action is pending, where the proceedings shall be the same as if the disclosure had been before a commissioner appointed for the purpose. (R. S. c. 107, § 12. 1959, c. 317, § 258.)

Effect of amendment.—The 1959 amendment divided the section into two sentences, deleted "before or after the return day of such writ or process" following "At any time" at the beginning of the section

and substituted "action" for "suit" twice in the first sentence and once in the last.

Effective date of 1959 amendment.—See note to § 1.

Bonds on Mesne Process and Disclosures after Judgment.

Sec. 15. Debtor arrested, may give bond to disclose after judgment.

—When a person is arrested or imprisoned on mesne process in a civil action, he may disclose as provided in sections 3 to 7 or he may be released by giving bond to the plaintiff in a sum not exceeding the amount prayed for in the complaint upon which he is arrested or imprisoned, with surety or sureties, said bond to be approved by him or by 2 or 3 justices of the peace of the county where the arrest or imprisonment is made, and selected and proceeding as prescribed in section 68, conditioned that within 15 days after a judgment for the plaintiff has become final by expiration of the time for appeal, by dismissal of an appeal, or certificate of decision from the law court, he will notify the creditor, his agent or attorney to attend at a certain place in the county at a time not less than 15 days nor more than 30 days after such notice, for the purpose of disclosure and examination; that he will then and there submit himself to examination; make true disclosure of his business affairs and property on oath, and abide the order of the justices thereon; and if the officer serving the writ takes such bond, he shall return it to the court or justice where the action is pending. (R. S. c. 107, § 15. 1959, c. 317, § 259.)

Effect of amendment.—The 1959 amendment substituted "3 to 7" for "3, 4, 5, 6, and 7," substituted "amount prayed for in the complaint" for "ad damnum of the writ" and substituted "a judgment for the plaintiff has become final by expiration of the time for appeal, by dismissal of an ap-

peal, or certificate of decision from the law court" for "rendition of judgment or after the adjournment of the court in which it is rendered" and substituted "action" for "suit" near the end of the section.

Effective date of 1959 amendment.—See note to § 1.

Sec. 16. Proceedings, if debtor has given bond on mesne process.

—After such final judgment, the debtor may apply in writing to a justice of the peace of the county where he was arrested, who shall issue a citation to the creditor, his agent or attorney. An examination and disclosure may be had before 2 justices of the peace within the time specified in the bond. The same proceedings shall be had and the same results shall follow as in disclosures on bonds given on execution, except as provided in section 17. (R. S. c. 107, § 16. 1959, c. 317, § 260.)

Effect of amendment.—The 1959 amendment divided the section into three sentences and substituted the words "section 17" for the words "the following section"

at the end of the section.

Effective date of 1959 amendment.—See note to § 1.

Disclosure Commissioners.

Sec. 22. Owner of judgment may have disclosure any time. — The owner of any judgment remaining unsatisfied in any part may have a disclosure

of the business and property affairs of any judgment debtor, including corporations, at any time, by proceedings as provided, but married women, and officers of judgment debtor corporations, and judgment debtors not liable to arrest by virtue of proceedings under sections 6 or 8, thus cited, shall not be arrested except for contempt or upon capias issued to bring them before the magistrate as provided by section 34. (R. S. c. 107, § 22. 1957, c. 397, § 54.)

Effect of amendment. — The 1957 amendment deleted the word “hereinafter” and also the words “as provided in section 146 of chapter 92 or” which formerly appeared near the middle of this section.

Arrests and Bonds on Execution and Disclosures Thereon.

Sec. 53. Citation; service.—The citation shall be served on the creditor, or one of them if there is more than one, or the attorney of record in the action, or any known authorized agent of the creditor, by any officer qualified to serve civil process between the same parties. Service shall be made in the manner provided for service of other civil process 15 days at least before the time appointed for examination, if the creditor is alive; otherwise, it shall be so served on his executor or administrator, if found in the state, and if not, such copy shall be left in like time with the clerk of the court or magistrate who issued the execution. (R. S. c. 107, § 53. 1959, c. 317, § 261.)

Effect of amendment.—The 1959 amendment divided the section into two sentences, substituted “action” for “suit” in the present first sentence, deleted at the end of that sentence “by reading it to him, or leaving an attested copy thereof at his place of last and usual abode, or by giving

an attested copy of it thereof to him in hand” and added “Service shall be made in the manner provided for service of other civil process” at the beginning of the second sentence.

Effective date of 1959 amendment.—See note to § 1.

Support of Debtors in Jail.

Sec. 83. Adjustment of price of support.—In case of dispute about the price of such support, the county commissioners may determine it, not exceeding \$1.75 a day. (R. S. c. 107, § 83. 1957, c. 110.)

Effect of amendment. — The 1957 amendment increased the maximum support from 75¢ to \$1.75 a day.

Chapter 121.

Reference of Disputes by Consent of Parties.

Sec. 1. What controversies referred; powers of referees; revocation by consent.

Cited in *Norridgewock v. Hebron*, 152 Me. 280, 128 A. (2d) 215.

Sec. 5. Action on report; appeal.—The court may accept, reject or recommit the report. If recommitted, the referees shall notify the parties of the time and place for a new hearing. When the report is accepted, judgment shall be entered thereon as in case of submissions by rule of court. Either party may appeal from such judgment or from rejection of the report. (R. S. c. 108, § 5. 1959, c. 317, § 262.)

Effect of amendment.—The 1959 amendment deleted “and either party may file exceptions thereto” at the end of the first sentence, deleted “and either party may bring a writ of error to reverse such judgment,”

at the end of the third sentence and added the fourth sentence.

Effective date and applicability of Public Laws 1959, c. 317. — Section 420, chapter 317, Public Laws 1959, provides as follows: