

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

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 section 146 of chapter 92 or" which for amendment deleted the word "herein- formerly appeared near the middle of this section" and also the words "as provided in 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:

"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."

An award of referees may be good in part, etc.

In accord with 1st paragraph in original. See *Norridgewock v. Hebron*, 152 Me. 280, 128 A. (2d) 215.

In accord with 2nd paragraph in original. See *Norridgewock v. Hebron*, 152 Me. 280, 128 A. (2d) 215.

Chapter 122.

Forcible Entry and Detainer. Tenancies.

Sec. 3. Jurisdiction.—Trial justices, judges and recorders of municipal courts have jurisdiction of cases of forcible entry and detainer respecting estates within their counties. Such justices, judges and recorders have exclusive jurisdiction of such cases within their cities or towns unless interested and except in such cases in which such justices, judges or recorders are the plaintiffs; provided, however, that judges and recorders of municipal courts shall also have jurisdiction of such cases in all towns in which they are authorized to hold court, notwithstanding the fact that their residence may be in some other town. Such cases in which such justices, judges or recorders are the plaintiffs may be made returnable before any other municipal court within their county. (R. S. c. 109, § 3. 1955, c. 301.)

Effect of amendment.—The 1955 amendment made this section applicable to recorders. It also inserted the words "and except in such cases in which such jus-

tics, judges or recorders are the plaintiffs" in the second sentence, and added the third sentence.

Sec. 4. How commenced; recognizance when plaintiff lives out of state.—The process of forcible entry and detainer shall be commenced and service made in the same manner as other civil actions. When the plaintiff lives out of the state and a recognizance is required of him, any person may recognize in his behalf and shall be personally liable. (R. S. c. 109, § 4. 1959, c. 317, § 263.)

Effect of amendment.—The 1959 amendment divided the section into two sentences and substituted "and service made in the same manner as other civil actions" for "by inserting the substance of the complaint, as a declaration, in a writ of attachment, to be indorsed and served like other writs" at the end of the first sentence.

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."

Sec. 6. When defendant claims title.—When the defendant claims title in himself or in another person under whom he claims the premises, he shall, except as otherwise provided, recognize in a reasonable sum to the plaintiff, with sufficient sureties, conditioned to pay all intervening damages and costs and a reasonable rent for the premises. The plaintiff shall in like manner recognize to the defendant, conditioned to enter the action in the superior court within 30 days and to pay all costs adjudged against him. If either party neglects so to recognize, judgment shall be rendered against him. (R. S. c. 109, § 6. 1959, c. 317, § 264.)

Effect of amendment.—The 1959 amendment rewrote this section.

Effective date and applicability of Public Laws 1959, c. 317.—See note to § 4