

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1963 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 4

Discard Previous Supplement

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1963

Willful Trespass.

Sec. 81. Disability of persons committed for willful trespass. — When, in the trial of a civil action for trespass on property, the court, jury or magistrate determines that such trespass was committed willfully and the fact is recorded and noted on the margin of the execution on such judgment and the debtor is thereon arrested and committed to jail, he shall not be entitled to give any bond for his liberation. If he applies to take the oath described in section 56, no notice shall be issued to the creditor until at least 30 days after his commitment. (R. S. c. 107, § 81. 1961, c. 317, § 436.)

Effect of amendment.—The 1961 amendment divided this section into two sentences and substituted “a civil action for trespass” for “an action of trespass” in the present first sentence.

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 only 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.

When counsel may request recommitment.—It would seem that after a report of a referee has been filed, and before it has been accepted, if counsel for either side so desires, a request may be addressed to the court for its recommitment. *Yeaton v. Knight*, 157 Me. 133, 170 A. (2d) 398.

And if request is granted the cause may be heard anew on such issues as appear pertinent and appropriate. *Yeaton v. Knight*, 157 Me. 133, 170 A. (2d) 398.