

# MAINE STATE LEGISLATURE

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REVISED STATUTES  
OF THE  
STATE OF MAINE  
1954

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1959 CUMULATIVE SUPPLEMENT

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ANNOTATED

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IN FIVE VOLUMES  
VOLUME 4

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Place in Pocket of Corresponding  
Volume of Main Set

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THE MICHIE COMPANY  
CHARLOTTESVILLE, VIRGINIA  
1959

## Chapter 123.

### Petitions and Actions of Review.

**Secs. 1-15.** Repealed by Public Laws 1959, c. 317, § 268.

**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."

## Chapter 124.

### Waste and Trespass on Real Estate.

**Sec. 1. Remedy, if tenant commits waste.** — If a tenant in dower, by curtesy, for life or for years commits or suffers any waste on the premises, the person having the next immediate estate of inheritance may recover the place wasted and the damages done to the premises in an action against him. An heir may recover in the same action for waste done in his own time and in the time of his ancestor. (R. S. c. 111, § 1. 1959, c. 317, § 269.)

**Effect of amendment.**—The 1959 amendment divided the section into two sentences and deleted "of waste" following the word "action" near 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. 2. Damages.**—Any issue of fact shall be tried by a jury, with or without a view of the premises, as the court orders. The jury that inquires of the waste shall assess the damages. (R. S. c. 111, § 2. 1959, c. 317, § 270.)

**Effect of amendment.**—The 1959 amendment deleted the former last sentence reading "An action on the case in the nature of waste may be substituted for the action of

waste" and divided the remainder of the section into two sentences.

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

**Sec. 3. Remainder man or reversioner may sue.**—The remainder man or reversioner for life or for years only or in fee simple or fee tail, after an intervening estate for life, may maintain such action and recover the damages which he has suffered by the waste. (R. S. c. 111, § 3. 1959, c. 317, § 271.)

**Effect of amendment.**—The 1959 amendment deleted the words "of waste" after the word "action."

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

**Sec. 4. Action lies against executor, etc.**—Such action may be originally commenced against the executors or administrators of the tenant, or if commenced against him, it may be prosecuted against them after his death. (R. S. c. 111, § 4. 1959, c. 317, § 272.)

**Effect of amendment.**—The 1959 amendment deleted the words "of waste", formerly appearing after the word "action."

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