

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1961 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 4

Discard Previous Pocket Part Supplement

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1961

paid out of the proceeds of the articles on which the lien is claimed. (R. S. c. 164, § 80. 1959, c. 317, § 407.)

Effect of amendment.—The 1959 amendment substituted “plaintiff’s” for “petitioner’s” and “plaintiff” for “petitioner.”

Effective date of 1959 amendment.—See note to § 14.

Sec. 82. Court may order property sold to pay lien.—After trial and final adjudication in favor of the plaintiff, the court may order any competent officer to sell the article on which the lien is claimed, as personal property is sold on execution, and out of the proceeds, after deducting his fees and the expenses of sale, to pay to the plaintiff the amount and costs awarded him, and the balance to the person entitled to it, if he is known to the court, otherwise into court. (R. S. c. 164, § 81. 1959, c. 317, § 408.)

Effect of amendment.—The 1959 amendment substituted “plaintiff” for “petitioner” twice in this section.

Effective date of 1959 amendment.—See note to § 14.

Sec. 83. Disposal of proceeds.—Money paid into court may be paid over to the person legally entitled to it, on motion and order of the court. If it is not called for at the first term after it is paid into court, it shall be paid into the county treasury. If afterwards the person entitled to it upon motion establishes his claim to it, the court may order the county treasurer to pay it to him. (R. S. c. 164, § 82. 1961, c. 317, § 610.)

Effect of amendment.—The 1961 amendment divided the former second sentence of this section into two sentences, substituted “motion” for “petition” in the pres-

ent first sentence and substituted “upon motion” for “petitions and” in the present last sentence.

Chapter 179.

Personal Property Forfeited. Lost Goods. Stray Beasts.

Personal Property Forfeited.

Sec. 4. Inventory and appraisal, if no claimant.—If no person claims the property after such seizure, the party seizing shall cause an inventory and appraisal thereof to be made by 3 disinterested persons, under oath, appointed by a justice of the peace in the county; which shall be the rule for deciding in what court the complaint shall be filed. (R. S. c. 165, § 4. 1961, c. 317, § 611.)

Effect of amendment.—The 1961 amendment substituted “complaint” for “libel” near the end of this section.

Sec. 5. If value exceeds \$20, complaint filed in superior court; notice.—If the value of the property seized exceeds \$20, the party seizing, within 20 days, shall file a complaint in the clerk’s office of the superior court in the county where the offense was committed, stating the cause of seizure and praying for an order of forfeiture. The clerk shall thereupon make out a notice to all persons to appear at such court at the time appointed to show cause why such order should not be passed, which notice shall be published in some newspaper printed in the county, if any, if not, in the state paper, at least 14 days before the time of trial. (R. S. c. 165, § 5. 1961, c. 317, § 612.)

Effect of amendment.—The 1961 amendment substituted “complaint” for “libel” and “an order” for “a decree” in the first

sentence of this section and substituted “order” for “decree” in the second sentence.

Sec. 7. If complaint not supported, property restored with damages.—If the complaint is not supported or is discontinued, the court shall de-

cree a restoration of the property, with costs. If the jury or court finds the seizure without probable cause, reasonable damages shall be decreed for the claimant. (R. S. c. 165, § 7. 1961, c. 317, § 613.)

Effect of amendment.—The 1961 amendment substituted “complaint” for “libel” near the beginning of this section.

Sec. 8. If value less than \$20, complaint filed before trial justice.—When the value of the property seized does not exceed \$20, the complaint shall be filed before a trial justice or municipal court of the county where the offense was committed. After notice as aforesaid has been posted at 2 or more public places in the county, 7 days at least before the day of trial, such justice or the judge of such court shall try and decide the cause and make such decree therein as law requires. (R. S. c. 165, § 8. 1961, c. 317, § 614.)

Effect of amendment.—The 1961 amendment divided this section into two sentences and substituted “complaint” for “libel” in the present first sentence.

Lost Goods and Stray Beasts.

Sec. 19. Damages recovered by sufferers; beasts taken up; lien.—Any person injured in his land by sheep, swine, horses, asses, mules, goats or neat cattle, in a common or general field, or in a close by itself, may recover his damages by taking up any of the beasts doing it, and giving the notice provided in section 11, or in a civil action against the person owning or having possession of the beasts at the time of the damage, and there shall be a lien on said beasts, and they may be attached in such action and held to respond to the judgment as in other cases, whether owned by the defendant or only in his possession. If the beasts were lawfully on the adjoining lands, and escaped therefrom in consequence of the neglect of the person suffering the damage to maintain his part of the partition fence, their owner shall not be liable therefor. (R. S. c. 165, § 19. 1961, c. 317, § 615.)

Effect of amendment.—The 1961 amendment substituted “a civil action” for “an action of trespass” in the first sentence of this section.

Chapter 180.

Mills and Dams.

Sections 39-A to 39-C. Water Storage Reservoirs.

Erection of Mills and Dams, and Rights of Flowage.

Sec. 1. Right to erect and maintain milldams, and to divert water by canal for mills.

Quoted in *Central Maine Power Co. v. Public Utilities Comm.*, 156 Me. 295, 163 A. (2d) 762.

Sec. 3. Not to injure mill or canal previously built.

Quoted in *Central Maine Power Co. v. Public Utilities Comm.*, 156 Me. 295, 163 A. (2d) 762.

Sec. 6. Complaint.—The complaint shall contain such a description of the land flowed or injured, and such a statement of the damage, that the record of the case shall show the matter heard and determined in the action. (R. S. c. 166, § 5. 1961, c. 317, § 616.)

Effect of amendment.—The 1961 amendment substituted “action” for “suit” at the end of this section.