

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

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Legislative Document

No. 124

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S. P. 33

In Senate, January 9, 1963

Referred to the Committee on Judiciary, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Farris of Kennebec.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-THREE

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**AN ACT to Correct Errors and Inconsistencies in the Public Laws.**

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Be it enacted by the People of the State of Maine, as follows:

**Sec. 1. R. S., c. 19, § 3, sub-§ V, amended.** Subsection V of section 3 of chapter 19 of the Revised Statutes is amended to read as follows:

**'V. Post-audit for teachers' colleges, etc.** To perform a post-audit of all accounts and other financial records of the state ~~normal schools and~~ teachers' colleges, the Maine Port Authority and the Maine Forestry District;'

**Sec. 2. R. S., c. 20, § 1, amended.** The first paragraph of section 1 of chapter 20 of the Revised Statutes, as amended, is further amended by adding at the end, a new sentence, as follows:

**'The Attorney General shall be the executive head of the Department of the Attorney General, as heretofore established.'**

**Sec. 3. R. S., c. 21, § 1, amended.** The first sentence of section 1 of chapter 21 of the Revised Statutes is amended to read as follows:

**'The Secretary of State shall be the executive head of the Department of the Secretary of State and shall keep, as heretofore established, his office at the seat of government; have the custody of the state seal and preserve all records in such office, at the expense of the State.'**

**Sec. 4. R. S., c. 25, § 213, amended.** The 3rd sentence of the 4th paragraph of section 213 of chapter 25 of the Revised Statutes, as repealed and replaced by section 1 of chapter 359 of the public laws of 1961 and as amended by section 54 of chapter 417 of the public laws of 1961, is further amended to read as follows:

'The executive secretary of said board shall keep a record of all proceedings, issue all notices, except those required to be issued by the Hearing Officer under chapter 20-A, certificates of ~~regulation~~ **registration** and licenses, attest all such papers and orders as said board shall direct, make sanitary inspections at least twice a year of shops and other establishments subject to license under sections 213 to 230 and sections 230-A to 230-P, as directed by said board, and shall report annually to the Governor and Council giving a full statement of all receipts and expenditures and a statement of the work performed by the Board of Hairdressers during the year, together with such recommendations as deemed necessary.'

**Sec. 5. R. S., c. 27, § 42, amended.** Section 42 of chapter 27 of the Revised Statutes, as amended by chapter 309 of the public laws of 1955 and by section 6 of chapter 242 of the public laws of 1959, is further amended to read as follows:

'**Sec. 42. Convict assaulting officers; escape; prosecution.** If a convict, sentenced to the State Prison for life or for a limited term of years, or transferred thereto from the Reformatory for Men under section 75, or committed thereto for safekeeping under chapter 148, section 33, assaults any officer or other person employed in the government thereof, or breaks or escapes therefrom, or forcibly attempts to do so, he may ~~at the discretion of the court~~ be punished by confinement to hard labor for any term of years, to commence after the completion of his former sentence, except in the case of a convict serving a life sentence, to commence at the completion of 30 years of such sentence. The Warden shall certify the fact of a violation of ~~the foregoing provisions~~ **this section** to the county attorney for the County of Knox, who shall prosecute such convict therefor.'

**Sec. 6. R. S., c. 27, § 73, amended.** The 2nd sentence of the 2nd paragraph of section 73 of chapter 27 of the Revised Statutes is amended to read as follows: 'Upon approval of said recommendation by the commissioner, said inmate shall be transferred from the reformatory to the State Prison, where he shall serve the remainder of the term for which he might otherwise be held at said reformatory, or ~~at the discretion of the court~~ he may be punished by imprisonment in the State Prison for any term of years.'

**Sec. 7. R. S., c. 27-A, § 12, amended.** The first paragraph of section 12 of chapter 27-A of the Revised Statutes, as enacted by section 1 of chapter 387 of the public laws of 1957 and as amended by section 6 of chapter 312 of the public laws of 1959, is further amended to read as follows:

'A prisoner **at the Maine State Prison** becomes eligible for a hearing by the board as follows:'

**Sec. 8. R. S., c. 27-A, § 13, amended.** The first paragraph of section 13 of chapter 27-A of the Revised Statutes, as enacted by section 1 of chapter 387 of the public laws of 1957 and as amended by section 7 of chapter 312 of the public laws of 1959, is further amended to read as follows:

'An inmate **at the Reformatory for Men** becomes eligible for a hearing by the board as follows:'

**Sec. 9. R. S., c. 27-A, § 13-A, amended.** The first paragraph of section 13-A of chapter 27-A of the Revised Statutes, as enacted by section 8 of chapter 312 of the public laws of 1959, is amended to read as follows:

'An inmate at the Reformatory for Women becomes eligible for a hearing by the board as follows:'

**Sec. 10. R. S., c. 27-A, § 17-B, amended.** The last paragraph of section 17-B of chapter 27-A of the Revised Statutes, as enacted by section 14 of chapter 312 of the public laws of 1959, is amended to read as follows:

'This section shall also apply in those instances where the probationer or parolee is under the supervision and control of the State Probation and Parole Board at the request of other states under terms of the Uniform Act for Out-of-State Parole Parolee Supervision.'

**Sec. 11. R. S., c. 30, § 77, repealed.** Section 77 of chapter 30 of the Revised Statutes, as amended by section 5 of chapter 272 of the public laws of 1957, is repealed as follows:

~~'Sec. 77. Applications of §§ 64 to 84 to boilers now in use. The provisions of sections 64 to 84 shall not be construed as in any way preventing the use or sale of steam boilers in this State which shall have been installed or in use in this State prior to July 6, 1935, and which shall have been made to conform to the rules of the board of boiler rules governing existing installations and which shall have been inspected as provided for in section 72.'~~

**Sec. 12. R. S., c. 36, § 1, amended.** Section 1 of chapter 36 of the Revised Statutes, as amended, is further amended by inserting after the first sentence, a new sentence, as follows:

'He shall be the executive head of the Forestry Department, as heretofore established.'

**Sec. 13. R. S., c. 41, §§ 135-A - 135-F, additional.** Chapter 41 of the Revised Statutes is amended by adding 6 new sections, to be numbered 135-A to 135-F, to read as follows:

#### 'Educational Television.

**Sec. 135-A. Committee on Educational Television.** A Committee on Educational Television, as heretofore created for the purpose of facilitating the development of educational television in the State, shall consist of 7 members to be appointed by the Governor with the advice and consent of the Council. At the time of the first appointments, one shall be appointed for one year, one for 2 years, one for 3 years, 2 for 4 years and 2 for 5 years, and thereafter for a full term of 5 years. One member of the committee shall be a representative of the State Department of Education, one member of the committee shall be a representative of the University of Maine and the remaining members shall be citizens of the State of Maine. Any vacancy in the membership of the committee shall be filled for the unexpired term by appointment by the Governor with the advice and consent of the Council. Members of the committee shall be reimbursed for their actual expenses necessarily incurred in the performance of their duties.

**Sec. 135-B. Organization.** The committee shall elect a chairman, secretary, vice-chairman and treasurer, each of whose terms of office shall be 2 years. The committee shall adopt such bylaws, rules and regulations, for the calling and holding of meetings and the administration of its affairs, as it deems appropriate and necessary to effectuate the purposes of sections 135-A to 135-F. A majority of the membership of the committee shall constitute a quorum for the purposes of transacting business.

**Sec. 135-C. Powers and duties.** The Committee on Educational Television is empowered and authorized to act as follows:

**I. Recommendations.** To make such recommendations to the trustees of the University of Maine as it deems necessary relating to the appointment of professional, clerical or other assistants, location of educational television stations and construction and equipment of said stations necessary to carry out the purposes of sections 135-A to 135-F.

**II. Programs.** To give its advice and consent to the trustees of the University of Maine for the educational television programs to be transmitted by the network.

**Sec. 135-D. Gifts.** The Governor and Council is authorized to accept any gift of money, real or personal property, from any source whatsoever, and grants-in-aid from the Federal Government to assist in carrying out the purposes of sections 135-A to 135-F.

**Sec. 135-E. Construction of state-wide educational television network.** The University of Maine is authorized to acquire real estate, construct, operate, manage and equip transmission and microwave television facilities and to interconnect with any other television network or station within or without this State for the purpose of providing a state-wide educational television network for the transmission of educational television to pupils in the schools, colleges, university and adult audiences throughout the State; and the University of Maine is authorized to enter into contracts for the construction of said facilities, contracts for personal services necessary for the management and operation of said facilities and any other contracts deemed necessary to carry out the purposes of sections 135-A to 135-F.

**Sec. 135-F. Promotion of political and governmental activities prohibited; penalty for violation.** None of the facilities, plant or personnel of any educational television system which is supported in whole or in part by state funds shall be used directly or indirectly for the promotion, advertisement or advancement of any political candidate for any municipal, county, state or federal office or for the purpose of advocating or opposing any specific program, existing or proposed, of governmental action which shall include, but shall not be limited to, constitutional amendments, tax referendums or bond issues. Any person convicted of a violation of any provision of this section shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than 11 months, or by both.'

**Sec. 14. R. S., c. 41, § 138, amended.** Section 138 of chapter 41 of the Revised Statutes, as amended by section 8 of chapter 366 of the public laws of 1961, is further amended to read as follows:

**Sec. 138. Free tuition.** All children qualifying as war orphans under sections 136 to 139 shall be admitted to state supported post-secondary vocational schools ~~normal schools~~ or institutions of collegiate grade free of tuition.'

**Sec. 15. R. S., c. 41, § 154, amended.** The first 2 sentences of section 154 of chapter 41 of the Revised Statutes, as last repealed and replaced by section 22 of chapter 395 of the public laws of 1961, are amended to read as follows:

'The following days shall be observed as school holidays, namely: Patriot's Day, April 19th; Memorial Day, May 30th; Independence Day, July 4th; Labor Day, first Monday in September; Veterans Day, November 11th; Christmas Day, December 25th; Thanksgiving and Arbor Day, as appointed by the Governor ~~and Council~~. Arbor Day shall not be recognized as a school holiday unless observed by teacher and pupils for the purpose for which it is designated by the Governor ~~and Council~~.'

**Sec. 16. R. S., c. 41, § 191, amended.** Section 191 of chapter 41 of the Revised Statutes is amended to read as follows:

**Sec. 191. Courses in teachers' colleges.** The state board of education shall cause to be introduced into all of the ~~normal schools and~~ teachers' colleges such courses in manual arts, domestic science and agriculture as will enable their graduates to teach elementary courses in those subjects in the rural and grade schools. In not more than one of said ~~schools colleges~~, the course in manual training shall be so extended as to offer opportunity to persons desiring to qualify as special teachers of that branch, and in not more than one, the course in domestic science shall be so extended as to offer similar opportunity to persons desiring to qualify as special teachers thereof. For the 2 special courses thus offered, the said board is authorized to expend annually such sums as may be available in appropriations for the support of said ~~normal schools and~~ teachers' colleges.'

**Sec. 17. R. S., c. 44, § 16, sub-§ XIII, amended.** Subsection XIII of section 16 of chapter 44 of the Revised Statutes is amended to read as follows:

**XIII. Railroad.** "Railroad" includes every commercial interurban and other railway ~~other than a street railroad~~ and each and every branch and extension thereof by whatsoever power operated, together with all tracks, bridges, trestles, rights-of-way, subways, tunnels, stations, depots, union depots, ferries, yards, grounds, terminals, terminal facilities, structures and equipment and all other real estate, fixtures and personal property of every kind used in connection therewith, owned, controlled, operated or managed for public use in the transportation of persons or property.'

**Sec. 18. R. S., c. 45, § 22, amended.** Section 22 of chapter 45 of the Revised Statutes is amended to read as follows:

**Sec. 22. Proceedings before commission.** Upon petition of the railroad corporation to the ~~public utilities~~ commission, the amount of such issue of capital stock, after such notice by publication as the commission shall order and after hearing, shall be determined by said commission, who shall within 30 days after final hearing of said petition file in the office of the Secretary of

State a certificate showing the amount of the issue authorized and the purposes for which the proceeds of said new stock may be used; ~~and the.~~ The company shall not apply such issue or the proceeds thereof to any purpose not specified in said certificate, and may be enjoined from so doing by ~~any justice of the supreme judicial court or~~ of the Superior Court upon application of the ~~board~~ **commission** or of any interested party; ~~the provisions of this.~~ This section shall not apply to any railroad corporation subject to the Interstate Commerce Act, while and so long as such corporation is required by federal law to make application to and procure consent from the Interstate Commerce Commission as a condition precedent to any issue of its capital stock.'

**Sec. 19. R. S., c. 45, § 40, amended.** The 2nd sentence of section 40 of chapter 45 of the Revised Statutes is amended to read as follows:

'Service of an injunction issued against any person, whether a party to the ~~bill~~ **action** or not, may be made upon him and he shall be liable to all the penalties and consequences provided for a breach of it.'

**Sec. 20. R. S., c. 45 § 54, amended.** The 2nd sentence of section 54 of chapter 45 of the Revised Statutes is amended to read as follows:

'If their order is not obeyed, said commission shall at once apply to ~~some justice of the supreme judicial court or~~ of the Superior Court ~~who~~ **which** may, upon satisfactory proof of the necessity for such order and without notice to said company, issue an injunction prohibiting the running of passenger trains over said road until further order of the court.'

**Sec. 21. R. S., c. 45, § 55, amended.** The 2nd sentence of section 55 of chapter 45 of the Revised Statutes is amended to read as follows:

'At such hearing any corporation or person claiming to be interested may be made a party and be heard thereon though not named in the application; ~~said.~~ **Said** commission has the authority of courts of law to summon witnesses and compel their attendance and testimony, and depositions may be taken and used as in ~~suits at law~~ **civil actions**.'

**Sec. 22. R. S., c. 45, § 56, amended.** The last sentence of section 56 of chapter 45 of the Revised Statutes is amended to read as follows:

'When the award is accepted and judgment rendered thereon, it is binding on all parties notified, whether they appeared or not, until a new award is made on another application; ~~the.~~ The court has full power to make the award effectual by process of contempt or otherwise as in ~~equity cases; and~~ **if civil actions in which equitable relief is sought**. If the corporation or managers of any such road, after they are notified of the acceptance of such award, fail to comply with it, the directors, superintendent or other agents operating the same shall be punished by a fine of not less than \$10 nor more than \$50, for each day of such failure, to be recovered by indictment in the county where it occurs.'

**Sec. 23. R. S., c. 45, § 62, amended.** The 2nd sentence of section 62 of chapter 45 of the Revised Statutes is amended to read as follows:

'If the party against whom costs are so adjudged refuses or neglects to pay them within 30 days after such adjudication, upon complaint for such costs made by

said commission to ~~any justice of~~ the Superior Court, ~~such justice the court~~ may cause execution to issue therefor.'

**Sec. 24. R. S., c. 48, § 12, amended.** The last sentence of section 12 of chapter 48 of the Revised Statutes, as repealed and replaced by chapter 18 of the public laws of 1959, is amended to read as follows:

'Carriers may ~~take exceptions to appeal from~~ the commission's ~~action decision~~ under sections 10 to 12 as prescribed in applicable provisions of chapter 44.'

**Sec. 25. R. S., c. 48, § 32, sub-§ V, amended.** The last sentence of subsection V of section 32 of chapter 48 of the Revised Statutes is amended to read as follows:

'Any person aggrieved by any decision of the Secretary of State in suspending or revoking any operator's license may appeal to ~~any justice of~~ the Superior Court in the same manner provided by ~~section 7 of~~ chapter 22, **section 7**, but pending such appeal, the decision of the Secretary of State shall remain in full force.'

**Sec. 26. R. S., c. 48, § 32, sub-§ VII, amended.** The last sentence of subsection VII of section 32 of chapter 48 of the Revised Statutes is amended to read as follows:

'Any person aggrieved by the decision of the Secretary of State in suspending or annulling any such certificate of registration may appeal to ~~any justice of~~ the Superior Court in the manner provided by ~~section 7 of~~ chapter 22, **section 7**, but pending said appeal the decision of the Secretary of State shall remain in full force.'

**Sec. 27. R. S., c. 50, § 26, amended.** Section 26 of chapter 50 of the Revised Statutes is amended to read as follows:

'**Sec. 26. Liability of damages.** Every corporation organized under ~~the provisions of~~ this chapter shall be liable in all cases to repay any city or town all sums of money that said city or town may be obliged to pay on any judgment recovered against it for damages occasioned by any obstruction, digging up or displacement of any way or street by said corporation, together with counsel fees and expenses necessarily incurred in defending said town in actions therefor; ~~provided, however, that said.~~ Said corporation shall have notice of the commencement of any and all ~~suits civil actions~~ for such damage and such corporation shall have the right to defend any such action at its own expense.'

**Sec. 28. R. S., c. 52, § 11, amended.** Section 11 of chapter 52 of the Revised Statutes is amended to read as follows:

'**Sec. 11. Rights of parties as to procedure.** All locations made and all damages assessed for the taking of property by the exercise of the right of eminent domain, except for property taken by the United States, the State of Maine, or a county or municipality thereof, or a quasi-municipal corporation, or steam railroad ~~or street railroad~~ corporations, and excepting property which, when taken, is being or is necessary to be used by the owner thereof in the performance of a public duty, shall be made and assessed and the rights of the parties shall be as follows, notwithstanding anything contained in the act granting such right.'



**Sec. 29. R. S., c. 53, § 24, amended.** Section 24 of chapter 53 of the Revised Statutes is amended to read as follows:

**'Sec. 24. Right of indemnification.** The certificate of incorporation of a corporation or other certificate filed pursuant to law or the by-laws of a corporation or a resolution in a specific case or an amendment to any of the foregoing, adopted by the vote of the holders of record of a majority of the outstanding shares at the time entitled to vote for the election of directors, or in case of a non-stock corporation, by a vote of a majority of the members, may provide that each officer and each director of the corporation shall be indemnified by the corporation against expenses actually and necessarily incurred by him in connection with the defense of any action ~~suit~~ or proceeding in which he is made a party by reason of his being or having been an officer or a director of the corporation, except in relation to matters as to which he shall be adjudged in such action ~~suit~~ or proceeding to be liable for negligence or misconduct in the performance of his duties as such officer or director; ~~such~~. **Such** right of indemnification shall not be deemed exclusive of any other rights to which he may be entitled under any by-law, agreement, vote of stockholders or otherwise.'

**Sec. 30. R. S., c. 53, § 44, amended.** Section 44 of chapter 53 of the Revised Statutes is amended to read as follows:

**'Sec. 44. Discontinuance of action.** If within 30 days from the commencement of an action under section 43 such corporation makes to the Secretary of State the returns required by law, he shall forthwith notify the Attorney General, who shall discontinue such ~~suit~~ **action** upon payment of the costs already accrued.'

**Sec. 31. R. S., c. 53, § 90, amended.** The first sentence of section 90 of chapter 53 of the Revised Statutes is amended to read as follows:

'Every stockholder appearing in answer to, or filing any ~~petition~~ **complaint**, by himself, guardian or other legal representative shall, simultaneously therewith or within such time as the court may allow, deposit in court his certificate of shares duly indorsed to the corporation of which he is a shareholder, or some other sufficient transfer thereof, which shall there remain subject to the order of the court.'

**Sec. 32. R. S., c. 53, § 91, amended.** The first sentence of section 91 of chapter 53 of the Revised Statutes is amended to read as follows:

'If none of the corporations interested in such ~~petition~~ **complaint** shall pay or deposit the amount as ~~herein~~ ascertained and decreed with interest thereon, within such time as the court shall order, any stockholder entitled to such amount may at his option take judgment and execution therefor, with interest and costs, against such corporation or withdraw his stock ~~aforsaid~~; ~~and after~~. **After** such withdrawal or if said execution is returned unsatisfied within 30 days after judgment, the owner of such shares shall retain all the rights of a dissenting stockholder as though no proceedings had taken place.'

**Sec. 33. R. S., c. 53, § 92, amended.** Section 92 of chapter 53 of the Revised Statutes is amended to read as follows:

**'Sec. 92. Court may hear and determine complaints; make orders for enforcement of rights of all parties.** The ~~supreme judicial court, or the Superior Court or any justice thereof~~ may ~~in term time or vacation~~ hear and determine said ~~petitions~~ **complaints** and make all orders for giving notice to nonresident parties, and taking action with reference to them for the enforcement of the rights of any party to the proceedings, for the consolidation of 2 or more ~~petitions~~ **complaints**, for the payment of interest on the adjudged value of the shares, for the payment of dividends pending the proceedings, for interest upon the deposit ~~aforsaid~~, for the distribution of costs between the parties and for enforcing its orders and decrees as are consistent with the principles of equity practice and as the convenient and speedy settlement of the controversy may require.'

**Sec. 34. R. S., c. 53, § 93, amended.** Section 93 of chapter 53 of the Revised Statutes is amended to read as follows:

**'Sec. 93. If complaint fails for any matter of form, new complaint filed.** If any ~~petition~~ **complaint** shall fail for any matter of form, any party interested therein therein may file a new ~~petition~~ **complaint** within 2 months thereafter. No ~~petition~~ **complaint** shall be abated by the death of any party, but may thereupon be summarily revived by suggestion and amendment.'

**Sec. 35. R. S., c. 53, § 95, amended.** Section 95 of chapter 53 of the Revised Statutes is amended to read as follows:

**'Sec. 95. Proceedings for valuing stock under the laws of other states bar to any under this chapter.** If either of the corporations interested has consolidated its stock with corporations created by any other state or states, or the stock therein is held by virtue of concurrent legislation of one or more states and proceedings have been commenced for valuing the stock and paying the value thereof in any state having jurisdiction, such proceedings shall, while pending, be a bar to any under this chapter; ~~but if.~~ **If** such proceedings in any other state shall fail for any reason not touching the merits, a ~~petition~~ **complaint** may be filed as ~~herein~~ provided within 2 months thereafter.'

**Sec. 36. R. S., c. 53, § 100, amended.** Section 100 of chapter 53 of the Revised Statutes is amended to read as follows:

**'Sec. 100. Officer, having an execution, may elect to take debts due to corporation; proceedings.** An officer, having an execution against a manufacturing corporation and unable to find property liable to seizure, or the creditor may elect to satisfy it in whole or in part by a debt due to the corporation not exceeding the amount due to the creditor; ~~and the.~~ **The** person having custody of the evidence of such debt shall deliver it to such officer with a written transfer thereof to him for the use of the creditor, which shall constitute an assignment thereof, and the creditor, in the name of the corporation, may sue for and collect it, subject to any equitable ~~setoff~~ **counterclaim** by the debtor.'

**Sec. 37. R. S., c. 54, § 3, amended.** The first sentence of section 3 of chapter 54 of the Revised Statutes is amended to read as follows:

'When assembled pursuant to the warrant, they may organize themselves into a corporation, adopt a corporate name, and they, their associates and successors

may have continual succession; have a common seal; elect all necessary officers; adopt by-laws not inconsistent with law and enforce the same by suitable penalties; have the same rights and be under the same liabilities as other corporations in prosecuting and defending ~~suits at law~~ **civil actions**; and enjoy all other rights, privileges and immunities of a legal corporation.'

**Sec. 38. R. S., c. 54, § 25, amended.** Section 25 of chapter 54 of the Revised Statutes is amended to read as follows:

'**Sec. 25. Prosecution and defense of actions.** The proprietors may prosecute and defend ~~suits~~ **civil actions** by their agent, and the certificate of the proprietors' clerk is evidence of such agency.'

**Sec. 39. R. S., c. 55, § 4, amended.** The last sentence of section 4 of chapter 55 of the Revised Statutes is amended to read as follows:

'Whoever violates any provision of this section shall be punished by a fine of not more than \$1,000, and the ~~supreme judicial and Superior courts~~ **Court** shall have jurisdiction ~~in equity by any appropriate process~~ **to grant appropriate equitable relief** to enforce ~~the provisions of~~ this section.'

**Sec. 40. R. S., c. 56, § 7, amended.** The last paragraph of section 7 of chapter 56 of the Revised Statutes is amended to read as follows:

'No voting agreement or other device to evade the one-member-one-vote rule shall be enforceable ~~at law or in equity~~ **by a civil action.**'

**Sec. 41. R. S., c. 57, § 20, amended.** Section 20 of chapter 57 of the Revised Statutes is amended to read as follows:

'**Sec. 20. Ministers and officers of religious societies, their powers.** The ministers of a parish or religious society and the deacons, elders, trustees, stewards and other presiding officers of a religious society or church, having by its usages no settled minister, may take, in succession, any estate granted to the minister and his successors, or for the use of the ministry or poor of the church; and may prosecute and defend all ~~suits~~ **civil actions** respecting it; but they shall not so take, while the clear annual income of prior grants is \$3,000.'

**Sec. 42. R. S., c. 58, § 34, amended.** Section 34 of chapter 58 of the Revised Statutes is amended to read as follows:

'**Sec. 34. Unauthorized cemetery, etc., enjoined or abated.** Any cemetery, community mausoleum or columbarium established, maintained or operated in violation of or contrary to ~~the provisions of~~ this chapter is declared to be a nuisance, which may be abated or enjoined as such ~~at~~ **by the suit civil action** of any citizen of this State.'

**Sec. 43. R. S., c. 58, § 37, amended.** Section 37 of chapter 58 of the Revised Statutes is amended to read as follows:

'**Sec. 37. Recovery of fines or penalties.** All fines or penalties provided by ~~the preceding~~ section 36 may be recovered or enforced by indictment, and the necessary processes for causing the crypts and catacombs to be sealed or the bodies to be removed and buried, and execution to recover the necessary expenses

thereof, may be issued by ~~any justice of~~ the Superior Court ~~in term time or vacation.~~'

**Sec. 44. R. S., c. 59, § 19-D, sub-§ II, ¶ B, amended.** Paragraph B of subsection II of section 19-D of chapter 59 of the Revised Statutes, as enacted by section 1 of chapter 380 of the public laws of 1955, is amended to read as follows:

**'B.** To sue and to be sued, complain and defend, in any court ~~of law or equity;~~'

**Sec. 45. R. S., c. 59, § 19-G, sub-§ IX, amended.** The 3rd sentence from the end of subsection IX of section 19-G of chapter 59 of the Revised Statutes, as enacted by section 1 of chapter 380 of the public laws of 1955, is amended to read as follows:

'After payment into the State Treasury of such deposits, no ~~civil action at law or in equity~~ shall be maintained in any court in this State by any depositor or his heirs, successors or assigns against any bank making such payments; ~~provided, however, that thereafter.~~ **Thereafter** any lawful claimants may petition the Governor and Council for payment of such moneys to the claimants.'

**Sec. 46. R. S., c. 59, § 19-I, sub-§ XX, amended.** The last sentence of the first paragraph of subsection XX of section 19-I of chapter 59 of the Revised Statutes, as enacted by section 1 of chapter 380 of the public laws of 1955, is amended to read as follows:

'Any person or corporation financially interested in any such finding of the ~~Bank~~ commissioner may take an appeal therefrom to ~~any Justice of~~ the Superior Court, ~~who which,~~ after such notice and hearing as ~~he~~ it deems proper, may inquire into and render a judgment whether such security is a legal investment for savings banks under ~~the provisions of~~ this section.'

**Sec. 47. R. S., c. 59, § 69, amended.** Section 69 of chapter 59 of the Revised Statutes is amended to read as follows:

**'Sec. 69. Voluntary liquidation; jurisdiction of court; proceedings.** Whenever, in the opinion of the ~~bank~~ commissioner and a majority of the trustees of any savings bank, it is inexpedient for any reason for said bank to continue the further prosecution of its business, said trustees may join with the ~~bank~~ commissioner in an application to ~~any justice of the supreme judicial court or of~~ the Superior Court for the liquidation of the affairs of such corporation. Upon presentation of such application, such ~~justice court~~ may issue an injunction wholly or partially restraining further payment of deposits until further order of court. If, after notice and hearing on such application, such ~~justice court~~ is of the opinion that it is inexpedient for said bank to continue the further prosecution of its business, ~~he~~ it may make such orders and decrees in the premises as seem proper for liquidating the affairs of said bank, the distribution of its assets and the protection of its depositors. Further proceedings on such application may be in the manner provided for the liquidation of an insolvent savings bank; or such ~~justice court~~ may authorize the president and trustees of such bank then in office to liquidate its affairs under the direction of the court. ~~The provisions of section Section 77 are~~ is made applicable to such applications.'

**Sec. 48. R. S., c. 59, § 71, amended.** Section 71 of chapter 59 of the Revised Statutes, as amended by section 8 of chapter 385 of the public laws of 1961, is further amended to read as follows:

**'Sec. 71. Injunction to restrain insolvent corporation; receivers appointed.** If, upon examination of any savings bank, the commissioner is of the opinion that it is insolvent or that its condition is such as to render its further proceedings hazardous to the public or to those having funds in its custody, he may apply to ~~one of the justices of the Supreme Judicial Court or of the Superior Court~~ to issue an injunction to restrain such corporation in whole or in part from proceeding further with its business until a hearing can be had. Such ~~justice court~~ may forthwith issue process for such purpose and, after a full hearing of the corporation, may dissolve or modify the injunction or make the same ~~absolute permanent~~, and make such orders and decrees to suspend, restrain or prohibit the further prosecution of its business as may be needful in the premises, according to the course of proceedings in which equitable relief is sought. ~~He~~ **The court** may appoint one or more receivers or trustees to take possession of its property and effects, subject to such rules and orders as are from time to time prescribed by ~~the Supreme Judicial Court or the Superior Court or by any justice thereof.~~

**Sec. 49. R. S., c. 59, § 73, amended.** The next to the last sentence of section 73 of chapter 59 of the Revised Statutes is amended to read as follows:

'When it appears upon the settlement of the account of the receiver of such an institution that there is remaining in his hands funds due depositors who cannot be found and whose heirs or legal representatives are unknown, the court may order such unclaimed funds to be paid into the State Treasury, together with a statement giving the names of such depositors and the amount due each, the same to be held in trust for 20 years thereafter to be paid to the person or persons having established a lawful right thereto when made to appear upon proper proceedings instituted in the court ordering such disposition of such unclaimed funds; ~~provided, however, that whenever.~~ **Whenever** any such unclaimed fund is in an amount less than \$200, the claimant thereto may make application to ~~any justice of the supreme judicial court or of the Superior court who~~ **which** may, after identification to ~~him~~ it satisfactory, issue an order under the seal of the ~~supreme judicial court or of the Superior Court~~ directing the Treasurer of State to pay said fund to the claimant therein named; and said fund shall be paid as directed.'

**Sec. 50. R. S., c. 59, § 112, amended.** The last sentence of section 112 of chapter 59 of the Revised Statutes is amended to read as follows:

'In all cases where loans in excess of said 10% are granted, without collateral, the records of the company shall show who voted in favor thereof, and said records and those required by section 113 shall constitute prima facie evidence of the truth of all facts stated therein in prosecutions and ~~suits~~ **civil actions** to enforce the several provisions and penalties enumerated in section 114.'

**Sec. 51. R. S., c. 59, § 137, amended.** The last 3 sentences of section 137 of chapter 59 of the Revised Statutes are amended to read as follows:

'The depositors, who are credited with the majority in amount of the trust and demand deposits, may present in writing to said ~~justice court~~ a plan of reorganization and if said plan is the most feasible, it shall be adopted. Final decree of reorganization shall be made by said ~~justice court~~ after submission of plans and hearing thereon. The right of appeal is granted.'

**Sec. 52. R. S., c. 59, § 140, amended.** Section 140 of chapter 59 of the Revised Statutes is amended to read as follows:

**'Sec. 140. Receivers of trust companies; certain duties and powers.** Upon taking possession of the property and business of a trust company, the receiver may collect moneys due to the corporation, and do all acts necessary to conserve its assets and business and shall proceed to liquidate its affairs ~~as hereinafter provided~~. He shall collect all debts due and claims belonging to it and, upon the order or decree of the ~~supreme judicial or of the Superior Court, or any justice thereof in term time or vacation~~ may sell or compound all bad or doubtful debts, and on like order or decree may sell for cash or other consideration or as provided by law all or any part of the real and personal property of the corporation on such terms as the court shall direct; and, in the name of such corporation, may take a mortgage on such real property from a bona fide purchaser to secure the whole or part of the purchase price, upon such terms and for such periods as the court shall direct; and on like order or decree he may borrow money and issue evidence of indebtedness therefor and to secure the repayment of the same may mortgage, pledge, transfer in trust or hypothecate any or all of the property of such institution, whether real, personal or mixed, superior to any charge thereon for expenses of liquidation. Such receivers shall have all the rights and powers given to conservators by ~~the provisions of~~ sections 130 to 143.'

**Sec. 53. R. S., c. 59, § 155, amended.** Section 155 of chapter 59 of the Revised Statutes, as last repealed and replaced by section 28 of chapter 395 of the public laws of 1961, is amended to read as follows:

**'Sec. 155. Bank holidays.** Any day of public thanksgiving, appointed by the Governor ~~and Council~~ or by the President of the United States, the first day of January, the 22nd day of February, the 19th day of April, the 30th day of May, the 4th day of July, the first Monday of September, Veterans Day, November 11th, and the 25th day of December are declared to be bank holidays. If a bank holiday falls on Sunday, the following Monday shall be deemed a bank holiday for the purposes of this chapter.'

**Sec. 54. R. S., c. 59, § 157-Z-24, amended.** The last sentence of section 157-Z-24 of chapter 59 of the Revised Statutes, as enacted by section 1 of chapter 198 of the public laws of 1961, is amended to read as follows:

'If, after notice and hearing on such application, the ~~justice of such~~ court is of the opinion that it is inexpedient for that savings and loan association to continue the further prosecution of its business, ~~he~~ it may make such orders and decrees in the premises as seem proper for liquidating the affairs of that association, the distribution of its assets and the protection of its members.'

**Sec. 55. R. S., c. 59, § 229, amended.** The 6th paragraph of section 229 of chapter 59 of the Revised Statutes is amended to read as follows:

'Before granting registration to any dealer, the ~~bank~~ commissioner shall require the filing with the department of a bond in favor of the State in such form and with such sureties as the commissioner may approve, or in lieu thereof, furnish proof satisfactory to said commissioner of said dealer's financial responsibility, such bond to be in an amount not exceeding \$10,000. Such bond shall be conditioned that the dealer or any licensed salesman of the dealer shall pay, satisfy and discharge any judgment or decree that may be rendered against him in a court of competent jurisdiction in ~~a suit or an~~ action brought by a purchaser of securities in which it shall be found or adjudged that such purchaser was defrauded in the sale of such securities. Any person claiming to have been damaged by fraudulent misrepresentations in the sale of any security by such dealer or salesman may maintain ~~an a~~ civil action ~~at law~~ against the dealer or salesman making such fraudulent misrepresentations; or against both the dealer and salesman, where the salesman makes such fraudulent representations; and may join as parties defendant the sureties on the bonds ~~hereinabove provided for~~. Such bond may be drawn to cover the original license or any renewal or renewals thereof, and the commissioner may, in his discretion, require a dealer to execute a bond in an amount not exceeding \$10,000 for each particular year's transactions. The commissioner may prescribe regulations respecting the qualifications of sureties, release of sureties, surrender of bonds, substitution of bonds and other matters relating to bonds.'

**Sec. 56. R. S., c. 59, § 253, amended.** The 2nd and 3rd paragraphs of section 253 of chapter 59 of the Revised Statutes, as enacted by section 1 of chapter 386 of the public laws of 1957, are amended to read as follows:

'If any person shall refuse to obey any such subpoena or to give testimony or to produce evidence as required thereby, ~~any Justice of~~ the Superior Court may, upon application and proof of such refusal, order the issuance of a subpoena, or subpoena duces tecum, out of the Superior Court, for the witness to appear before the Superior Court to give testimony, and to produce evidence as required thereby. Upon filing such order in the office of the clerk of the Superior Court, the clerk shall issue such subpoena, as directed, requiring the person to whom it is directed to appear at the time and place therein designated.

If any person served with any such subpoena shall refuse to obey the same, and to give testimony, and to produce evidence as required thereby, the ~~Bank~~ commissioner may apply to ~~any Justice of~~ the Superior Court for a proof of such refusal, shall issue such citation, directed to any sheriff, for the arrest of such person, and upon his being brought before such ~~justice court~~, proceed to a hearing of the case. The ~~Justice court~~ shall have power to enforce obedience to such subpoena, and the answering of any question, and the production of any evidence, that may be proper, by a fine not exceeding \$100 or by imprisonment in the county jail, or by both.'

**Sec. 57. R. S., c. 60, § 3-A, sub-§ II, amended.** Subsection II of section 3-A of chapter 60 of the Revised Statutes, as enacted by section 2 of chapter 346 of the public laws of 1959, is amended to read as follows:

**'II. Injunction.** The Superior Court ~~in equity~~ shall enjoin any operation in violation of this section on ~~petition~~ **complaint** of the ~~Insurance~~ commissioner or any interested person.'

**Sec. 58. R. S., c. 60, § 10, amended.** Section 10 of chapter 60 of the Revised Statutes is amended to read as follows:

**'Sec. 10. Application for injunction against domestic company; proceedings.** If on examination the commissioner thinks that any domestic insurance company is insolvent, or that it is in such a condition as to render its further proceedings hazardous to the public or its policyholders, he shall apply to ~~a justice of the supreme judicial court or of the Superior Court~~ to issue an injunction restraining the company in whole or in part from proceeding further with its business. ~~Any justice of either of said courts~~ **The court** may thereupon, ~~either with or without notice, issue such temporary injunction, or if on notice, such temporary or permanent injunction restraining orders, preliminary or permanent injunctions,~~ as ~~he~~ it thinks proper, either of which ~~he~~ it may afterwards modify, vacate or perpetuate and may pass such orders and decrees, appoint receivers to receive the assets of the company and ~~masters referees~~ and do any other act conformable to the general rules of chancery practice which in his opinion is requisite for the safety of the public and for the best interests of all parties concerned, all of which orders and decrees ~~he~~ it may in like manner enforce. All such proceedings shall be at once made known to the clerk of courts for the county, who shall enter them on his docket, place them on file and record them in the records of the court. The clerk's fees shall be audited and allowed by the court and paid from the assets of the company.'

**Sec. 59. R. S., c. 60, § 11, amended.** Section 11 of chapter 60 of the Revised Statutes, as amended by section 182 of chapter 317 of the public laws of 1961, is further amended to read as follows:

**'Sec. 11. Appointment of receiver of domestic life insurance company.** No proceedings for the appointment of a receiver of a domestic life insurance company, or to wind up its affairs, shall be maintained by any other person than the commissioner. If it appears to the said commissioner that the assets of such company are less than its liabilities, reckoning the net value of its policies according to the combined experience or actuaries' table of mortality, with interest at 4% a year, he shall suspend the right of such company to do business and apply to ~~a justice of the supreme judicial court or of the Superior Court~~ to proceed as provided in section 10; ~~but if.~~ If it appears that the assets are greater than its liabilities, computed as aforesaid, such proceedings shall not be commenced or, if commenced, they shall be dismissed and the company allowed to resume the transaction of business.'

**Sec. 60. R. S., c. 60, § 12-A, amended.** The first paragraph of section 12-A of chapter 60 of the Revised Statutes, as enacted by section 1 of chapter 152 of the public laws of 1959, is amended to read as follows:

'The commissioner shall ~~bring a bill in equity~~ **file a complaint** for dissolution of a domestic insurance company when the company has not obtained a license to transact insurance business as required by section 3 within one year of the date of its incorporation, or when it stops transacting insurance business continuously for one year.'



**Sec. 61. R. S., c. 60, § 14, sub-§ I, amended.** Subsection I of section 14 of chapter 60 of the Revised Statutes is amended to read as follows:

**'I. Service upon commissioner.** Any of the following acts in this State, effected by mail or otherwise, by an unauthorized foreign or alien insurer:

**A.** The issuance or delivery of contracts of insurance to residents of this State or to corporations authorized to do business therein,

**B.** The solicitation of applications for such contracts,

**C.** The collection of premiums, membership fees, assessments or other considerations for such contracts, or

**D.** Any other transaction of the business of insurance, is equivalent to and shall constitute an appointment by such insurer of the ~~insurance~~ commissioner and his successor or successors in office, to be its true and lawful attorney, upon whom may be served all lawful process in any action ~~suit~~ or proceeding instituted by or on behalf of an insured or beneficiary arising out of any such contract of insurance, and any such act shall be signification of its agreement that such service of process is of the same legal force and validity as personal service of process in this State upon such insurer.'

**Sec. 62. R. S., c. 60, § 14, sub-§§ III, IV, amended.** Subsections III and IV of section 14 of chapter 60 of the Revised Statutes are amended to read as follows:

**'III. Service on person soliciting insurance, etc. for insurer.** Service of process in any such action ~~suit~~ or proceeding shall in addition to the manner provided in subsection II be valid if served upon any person within this State who, in this State on behalf of such insurer, is soliciting insurance, or making, issuing or delivering any contract of insurance, or collecting or receiving any premium, membership fee, assessment or other consideration for insurance; and a copy of such process is sent within 10 days thereafter by registered mail by the plaintiff or plaintiff's attorney to the defendant at the last known principal place of business of the defendant, and the defendant's receipt, or the receipt issued by the post office with which the letter is registered, showing the name of the sender of the letter and the name and address of the person to whom the letter is addressed, and the affidavit of the plaintiff or plaintiff's attorney showing a compliance herewith are filed with the clerk of the court in which such action is pending on or before the date the defendant is required to appear or within such further time as the court may allow.

**IV. Judgment by default; complaint taken pro confesso.** No plaintiff or complainant shall be entitled to a judgment by default or to have his ~~bill~~ **complaint** taken pro confesso under ~~the provisions of~~ this section until the expiration of 30 days from date of the filing of the affidavit of compliance.'

**Sec. 63. R. S., c. 60, § 15, amended.** Section 15 of chapter 60 of the Revised Statutes is amended to read as follows:

**'Sec. 15. Defense of action.**

**I. Cash, securities or bond filed; certificate of authority.** Before any unauthorized foreign or alien insurer shall file or cause to be filed any pleading in

any action ~~suit~~ or proceeding instituted against it, such unauthorized insurer shall either

A. Deposit with the clerk of the court in which such action ~~suit~~ or proceeding is pending cash or securities or file with such clerk a bond with good and sufficient sureties, to be approved by the court, in an amount to be fixed by the court sufficient to secure the payment of any final judgment which may be rendered in such action; or

B. Procure a certificate of authority to transact the business of insurance in this State.

**II. Postponement of action.** The court in any action ~~suit~~ or proceeding, in which service is made in the manner provided in ~~subsection II or III~~ of section 14, **subsections II or III**, may, in its discretion, order such postponement as may be necessary to afford the defendant reasonable opportunity to comply with ~~the provisions of subsection I of this section~~ and to defend such action.

**III. Motion to dismiss a complaint or set aside service.** Nothing in subsection I ~~of this section~~ is to be construed to prevent an unauthorized foreign or alien insurer from filing a motion to ~~quash a writ~~ **dismiss a complaint** or to set aside service thereof made in the manner provided in ~~subsections II or III~~ of section 14, **subsections II or III**, on the ground either

A. That such unauthorized insurer has not done any of the acts enumerated in ~~subsection I~~ of section 14, **subsection I**, or

B. That the person on whom service was made pursuant to ~~subsection III~~ of section 14, **subsection III**, was not doing any of the acts therein enumerated.'

**Sec. 64. R. S., c. 60, § 17-C, amended.** Section 17-C of chapter 60 of the Revised Statutes, as enacted by chapter 226 of the public laws of 1961, is amended to read as follows:

'**Sec. 17-C. Notice to domiciliary supervisory official.** No unauthorized foreign or alien insurer of the kind described in section ~~7~~ **17-A** shall make, issue, circulate or cause to be made, issued or circulated, to residents of this State any estimate, illustration, circular, pamphlet or letter, or cause to be made in any newspaper, magazine or other publication or over any radio or television station, any announcement or statement to such residents misrepresenting its financial condition or the terms of any contracts issued or to be issued or the benefits or advantages promised thereby, or the dividends or share of the surplus to be received thereon in violation of the Unfair Trade Practice Act, and whenever the commissioner shall have reason to believe that any such insurer is engaging in such unlawful advertising, it shall be his duty to give notice of such fact by registered mail to such insurer and to the insurance supervisory official of the domiciliary state of such insurer. For the purpose of this section, the domiciliary state of an alien insurer shall be deemed to be the state of entry or the state of the principal office in the United States.'

**Sec. 65. R. S., c. 60, § 17-E, sub-§ II, amended.** The 2nd sentence of subsection II of section 17-E of chapter 60 of the Revised Statutes, as enacted by chapter 226 of the public laws of 1961, is amended to read as follows:

'Service of process issued by any court in any action ~~suit~~ or proceeding to collect any penalty under said act provided, shall be made by delivering and leaving with the commissioner, or some person in apparent charge of his office, 2 copies thereof.'

**Sec. 66. R. S., c. 60, § 17-E, sub-§ III, amended.** Subsection III of section 17-E of chapter 60 of the Revised Statutes, as enacted by chapter 226 of the public laws of 1961, is amended to read as follows:

**'III. Upon other persons.** Service of statement of charges, notices and process in any such proceeding ~~or~~ action ~~or suit~~ shall in addition to the manner provided in subsection II be valid if served upon any person within this State who on behalf of such insurer is

A. Soliciting insurance, or

B. Making, issuing or delivering any contract of insurance, or

C. Collecting or receiving in this State any premium for insurance; and a copy of such statement of charges, notices or process is sent within 10 days thereafter by registered mail by or on behalf of the commissioner to the defendant at the last known principal place of business of the defendant, and the defendant's receipt, or the receipt issued by the post office with which the letter is registered, showing the name of the sender of the letter, the name and address of the person to whom the letter is addressed, and the affidavit of the person mailing the same showing a compliance herewith, are filed with the commissioner in the case of any statement of charges or notices, or with the clerk of the court in which such action is pending in the case of any process, on or before the date the defendant is required to appear or within such further time as the court may allow.'

**Sec. 67. R. S., c. 60, § 52, amended.** The last paragraph of section 52 of chapter 60 of the Revised Statutes is amended to read as follows:

'If, upon application by said company, the commissioner shall refuse for 5 days to countermand such notice of intention not to renew said license, said company shall have the right of appeal in the same manner and effect as is provided in section 60. Upon appeal said ~~justice court~~ may, after hearing, make an order continuing the right of said company to do business in this State until final decision. If the decision of the ~~justice court~~ reverses the decision of the commissioner, the commissioner shall forthwith issue the license.'

**Sec. 68. R. S., c. 60, § 58, amended.** Section 58 of chapter 60 of the Revised Statutes is amended to read as follows:

**'Sec. 58. Receivers, appointment, powers.** When a foreign insurance company doing business in this State is dissolved, restrained or prohibited from doing business in the place where it is incorporated, and when under ~~the provisions of the preceding~~ section 57 the commissioner regards the proceedings advisable, he may apply to ~~the supreme judicial court or the Superior Court or any justice of either of said courts, either in term time or vacation~~ setting forth the facts, and thereupon the court ~~or justice~~ may appoint a receiver or receivers to take possession of the assets of the company in this State, and collect, sell or dispose

of the same as the court ~~or justice~~ may decree, and divide the proceeds pro rata among such creditors in this State as prove their claims before said court ~~or justice~~ before the dividend is made; ~~and the~~. The balance, if any, shall be paid to the company or its assigns. The proceedings ~~herein provided for~~ shall conform to section 10. The receivers may maintain an action for any such assets in their own names as receivers, subject to all equities existing between the original or previous parties.'

**Sec. 69. R. S., c. 60, § 89, amended.** Section 89 of chapter 60 of the Revised Statutes is amended to read as follows:

'**Sec. 89. Lien on insured real estate.** Any fire insurance company shall have a lien against the assured, on the buildings insured and the land appurtenant thereto, for the amount at any time due on said note, to commence from the time of the recording of the same, ~~as hereinafter provided~~ and to continue 60 days after the expiration of the policy on which such note is given; if the company causes a certificate of its claim to such lien, signed by the secretary, to be recorded by the register of deeds for the county or district; ~~and during~~. During the pendency of such lien, an attachment of such property, in a ~~suit civil action~~ on said note in favor of the company, has priority of all other attachments or claims; ~~and execution~~. Execution, when recovered, may be levied on it accordingly.'

**Sec. 70. R. S., c. 60, § 98 amended.** Section 98 of chapter 60 of the Revised Statutes is amended to read as follows:

'**Sec. 98. Assessment not sufficient, collection stayed by court.** Whenever it shall appear to ~~the presiding justice of~~ the court before which the ~~petition complaint~~ provided for in section 94 is pending, that the net proceeds of any assessment or call will not be sufficient to furnish substantial relief to those having claims against the company, ~~he~~ it may decree that no assessment shall be collected; ~~and when~~. When, on application of the commissioner or any person interested, said ~~justice court~~ is of opinion that further attempts to collect an assessment then partially collected will not benefit those having claims against the company, ~~he~~ it may stay its further collection.'

**Sec. 71. R. S., c. 60, § 112, amended.** Section 112 of chapter 60 of the Revised Statutes is amended to read as follows:

'**Sec. 112. Lien enforced by civil action.** If the mortgagor does not consent as provided for in ~~the preceding~~ section ~~III~~, the mortgagee of any real estate may, at any time within 60 days after a loss, and the mortgagee of any personal property may at any time within 30 days after a loss, enforce his lien by a ~~suit~~ **civil action** against the mortgagor, and the company as his trustee, in which judgment may be rendered for what is found due from said company upon the policy, notwithstanding the time of payment of the whole sum secured by the mortgage has not arrived, and which said ~~suit~~ **action** shall be commenced and service made on such trustee within said 60 or 30 days.'

**Sec. 72. R. S., c. 60, § 113, amended.** Section 113 of chapter 60 of the Revised Statutes is amended to read as follows:

**Sec. 113. Application of amount recovered.** The amount recovered under ~~the provisions of~~ section 112 shall be applied first to the payment of the costs of the ~~suit civil action~~ and officer's fees on the execution and next to the payment of the amount due on the mortgage; ~~and the.~~ The balance, if any, shall be retained by the company and paid to the mortgagor. If the company assumes the defense, it shall be liable to the plaintiff for costs in the same manner as the principal defendant, defending the ~~suit action~~, would be.'

**Sec. 73. R. S., c. 60, § 121, sub-§ I, amended.** The first sentence of subsection I of section 121 of chapter 60 of the Revised Statutes is amended to read as follows:

'Any policy or contract of insurance against death or injury resulting from accident or from accidental means which insures a group of persons conforming to the requirements of one of the following paragraphs A to ~~E G~~ shall be deemed a blanket accident policy.'

**Sec. 74. R. S., c. 60, § 126, amended.** The last 2 sentences of the first paragraph of section 126 of chapter 60 of the Revised Statutes are amended to read as follows:

'Upon the evidence and after hearing, which shall be held not less than 7 days after notice thereof, the court ~~or any justice thereof~~ may modify, affirm or reverse the order or decision of the commissioner in whole or in part in accordance with law and the weight of the evidence. The court ~~or a justice thereof~~ shall, upon hearing, determine whether the filing of the appeal shall operate as a stay of any such order or decision of the commissioner pending the final determination of the appeal, and may impose such terms and conditions as may be deemed proper.'

**Sec. 75. R. S., c. 60, § 152, amended.** The 2nd and 3rd paragraphs of section 152 of chapter 60 of the Revised Statutes are amended to read as follows:

'Until the expiration of the time allowed under the first paragraph of section 153 for filing a ~~petition for review complaint~~ if no such ~~petition complaint~~ has been duly filed within such time or, if a ~~petition for review complaint~~ has been filed within such time, then until the transcript of the record in the proceeding has been filed in the Superior Court, ~~as hereinafter provided~~ the commissioner may at any time, upon such notice and in such manner as he shall deem proper, modify or set aside in whole or in part any order issued or action taken by him under this section.

After the expiration of the time allowed for filing such a ~~petition for review complaint~~ if no such ~~petition complaint~~ has been duly filed within such time, the commissioner may at any time, after notice and opportunity for hearing, reopen and alter, modify or set aside, in whole or in part, any order issued or action taken by him under this section whenever in his opinion conditions of fact or of law have so changed as to require such action or if the public interest shall so require.'

**Sec. 76. R. S., c. 60, § 153, amended.** The 3rd sentence of the first paragraph of section 153 of chapter 60 of the Revised Statutes, as amended by section 198

of chapter 317 of the public laws of 1961, is further amended to read as follows:

'Upon such filing of the complaint and transcript, such court shall have jurisdiction of the proceeding and of the question determined therein, shall determine whether the filing of such ~~petition~~ **complaint** shall operate as a stay of such order or act of the commissioner and shall have power to make and enter upon the pleadings, evidence and proceedings set forth in such transcript a decree modifying, affirming or reversing the order or act of the commissioner, in whole or in part.'

**Sec. 77. R. S., c. 60, § 153, sub-§§ I, II, amended.** Subsections I and II of section 153 of chapter 60 of the Revised Statutes are amended to read as follows:

**I. Expiration of time for filing complaint.** Upon the expiration of the time allowed for filing a ~~petition for review~~ **complaint** if no such ~~petition~~ **complaint** has been duly filed within such time; except that the commissioner may thereafter modify or set aside his order to the extent provided in the 2nd paragraph of section 152; or

**II. Final decision of court.** Upon the final decision of the court if the court directs that the order of the commissioner be affirmed or the ~~petition for review~~ **complaint** dismissed.'

**Sec. 78. R. S., c. 60, § 225, amended.** Section 225 of chapter 60 of the Revised Statutes is amended to read as follows:

'**Sec. 225. Business conducted fraudulently; corporation closed; receiver, dissolution.** When the commissioner, on investigation, is satisfied that any corporation transacting the business of casualty insurance on the assessment plan in this State under ~~the provisions of~~ this chapter has exceeded its powers, failed to comply with any ~~provision of~~ law or is conducting business fraudulently, he shall report the facts to the Attorney General, who shall thereupon apply to ~~a justice of the supreme judicial court or of~~ the Superior Court for an injunction restraining such corporation from the further prosecution of business; ~~and the~~. The said ~~justice court~~ upon hearing the matter may issue such injunction or decree the removal of any officer and substitute a suitable person to serve in his stead until a successor is duly chosen, and may make such other order and decrees as the interest of the corporation and the public may require. Whenever any domestic corporation transacting the business of casualty insurance on the assessment plan shall, after an existence of one year or more, have a membership of less than 300, the commissioner may present the facts in relation to the same to ~~any justice of the supreme judicial court or of~~ the Superior Court; ~~the~~. The said ~~justice court~~ shall thereupon notify the officers of such corporation of a hearing and unless it shall then appear that some special and good reason exists why the corporation should not be closed, some person shall be appointed receiver of such corporation, and shall proceed at once to take possession of the books, papers, moneys and other assets of the corporation and shall forthwith, under the direction of the court, proceed to close the affairs of such corporation and to distribute to those entitled thereto its funds. For this service the receiver may be allowed out of any funds in possession of the corporation, or which may come therefrom into his hands, such sum as the court may

determine to be reasonable and just. When the affairs of the corporation shall be finally closed, the court may decree a dissolution of the same.'

**Sec. 79. R. S., c. 60, § 228, amended.** The 3rd sentence of section 228 of chapter 60 of the Revised Statutes is amended to read as follows:

'When any such corporation shall discontinue business, ~~any justice of the supreme judicial court or of~~ the Superior Court may appoint a receiver or agent to administer any unexhausted portion of such fund which shall be used, less compensation not to exceed 5% as such court ~~or justice~~ may allow the receiver or agent; 1st, in the payment of accrued indemnity claims upon certificates or policies or if insufficient to pay such claims in full, they shall be paid pro rata; 2nd, if a balance remains after the payment of such claims, such balance shall be distributed to the holders of certificates then in force, pro rata, in proportion to the total payments by each policyholder after first paying all expenses incident to such distribution.'

**Sec. 80. R. S., c. 60, § 237, amended.** The first sentence of section 237 of chapter 60 of the Revised Statutes is amended to read as follows:

'Concurrently with the filing of the declaration provided for by the terms of ~~the preceding~~ section 236, the attorney shall file with the commissioner an instrument in writing, executed by him for said subscribers, agreeing that upon the issuance of the certificate of authority provided for in section 243, in all ~~suits~~ **civil actions** in this State arising out of such policies, contracts or agreements, action may be brought in the county or state in which the property insured is situated, that service of process may be made on the commissioner, which service shall be valid and binding upon all subscribers exchanging at any time reciprocal or interinsurance contracts through such attorney and that the authority of such instrument shall continue in force irrevocable so long as any liability remains outstanding in this State against the subscribers.'

**Sec. 81. R. S., c. 60, § 277, amended.** The next to the last sentence of section 277 of chapter 60 of the Revised Statutes is amended to read as follows:

'~~Any justice of the supreme judicial or~~ **The Superior Court, in term time or vacation** on complaint by any person that ~~the provisions of this section are~~ **is** being violated, may issue an injunction against such violation and may hold in contempt and punish therefor in case of disregard of said injunction.'

**Sec. 82. R. S., c. 60, § 312, amended.** The first sentence of section 312 of chapter 60 of the Revised Statutes is amended to read as follows:

'The holder of any guarantee agreement issued under ~~the provisions of~~ section 308 may bring ~~suit~~ **a civil action** in the name of the commissioner upon the bond provided by said section and have the same procedure and remedies thereon as in the case of official bond of sheriffs, but the amount of damages need not be first ascertained.'

**Sec. 83. R. S., c. 60, § 330, sub-§ III, amended.** The last 2 sentences of the first paragraph of subsection III of section 330 of chapter 60 of the Revised Statutes are amended to read as follows:

'Upon the evidence and after hearing which shall be held not less than 7 days after notice thereof, the court ~~or a justice thereof~~ may modify, affirm or re-

verse the order or decision of the commissioner in whole or in part in accordance with law and the weight of the evidence. The court ~~or a justice thereof~~ shall, upon hearing, determine whether the filing of the appeal shall operate as a stay of any such order or decision of the commissioner pending the final determination of the appeal and may impose such terms and conditions as may be deemed proper.'

**Sec. 84. R. S., c. 60, § 347, sub-§ III, amended.** The last 2 sentences of the first paragraph of subsection III of section 347 of chapter 60 of the Revised Statutes are amended to read as follows:

'Upon the evidence and after hearing which shall be held not less than 7 days after notice thereof, the court ~~or a justice thereof~~ may modify, affirm or reverse the order or decision of the commissioner in whole or in part in accordance with law and the weight of the evidence. The court ~~or a justice thereof~~ shall, upon hearing, determine whether the filing of the appeal shall operate as a stay of any such order or decision of the commissioner pending the final determination of the appeal and may impose such terms and conditions as may be deemed proper.'

**Sec. 85. R. S., c. 60, § 352, amended.** Section 352 of chapter 60 of the Revised Statutes is amended to read as follows:

'**Sec. 352. Commissioner's orders, how enforced.** Whoever, without reasonable excuse, fails to appear when summoned as a witness, or refuses to answer a lawful and pertinent question, or refuses to produce a book or writing when directed to do so by the person lawfully conducting a hearing or investigation, or departs himself in a disrespectful or disorderly manner at such inquiry, or obstructs the proceedings by any means, whether or not he be in the presence of the person lawfully conducting the inquiry, or willfully neglects or refuses to obey any lawful order of the person conducting the inquiry is guilty of contempt and may be dealt with as follows: The commissioner, or other person lawfully conducting the inquiry, may address to ~~a justice of the supreme judicial court or the Superior Court~~ a ~~petition~~ **complaint**, setting forth under oath the facts constituting the contempt and asking for an order returnable in not less than 2 nor more than 5 days, directing the alleged contemner to show cause before ~~the justice who signed the order, or before any other justice of the supreme judicial court or superior court to whom the order may be made returnable the court~~, why he should not be punished for contempt; ~~upon~~. **Upon** the return of such order, the ~~justice before whom the matter shall come for hearing court~~ shall examine under oath the alleged contemner and the alleged contemner shall be given an opportunity to be heard; ~~and if~~. **If** the ~~justice court~~ shall determine that the respondent has committed any alleged contempt, the ~~justice court~~ may punish the offender as if the contempt had occurred in an action arising in or pending in said court.'

**Sec. 86. R. S., c. 61, § 76, amended.** The 4th, 6th, 7th and 9th sentences of section 76 of chapter 61 of the Revised Statutes are amended to read as follows:

'The mayor or municipal officers of cities, or selectmen of towns or assessors of plantations may cause a ~~suit~~ **civil action** to be commenced on any bond or recognizance given under ~~the provisions of~~ this chapter in which the ~~city, town or~~



~~plantation municipality~~ is interested, and the same shall be prosecuted to final judgment unless paid in full with costs.'

'If a municipal officer, after being furnished with a written notice of a violation of ~~the provisions of~~ this chapter, signed by 2 persons competent to be witnesses in civil ~~suits actions~~, and containing the names and residences of the witnesses to prove such offense, willfully neglects or refuses to institute proceedings therefor, he shall be punished by a fine of not less than \$20 nor more than \$50, to be recovered by indictment.'

'The oath required of any such officer to the complaint may be, in substance, that from a written notice signed by 2 persons competent to be witnesses in civil ~~suits actions~~, he believes the complaint signed by him to be true.'

'In ~~suits actions~~, complaints, indictments or other proceedings for a violation of any provision of this chapter, other than for a first offense, it is not requisite to set forth particularly the record of a former conviction, but it is sufficient to allege briefly that such person has been convicted of a violation of a particular provision or as a common seller, as the case may be, and such allegation in any criminal process, legally amendable in any stage of the proceedings before final judgment, may be amended without terms and as a matter of right.'

**Sec. 87. R. S., c. 61, § 92, amended.** Section 92 of chapter 61 of the Revised Statutes is amended to read as follows:

'**Sec. 92. Liquors and vessels seized not repleviable pending proceedings.** Liquors seized ~~as hereinbefore provided~~ and the vessels containing them shall not be taken from the custody of the officer by a writ of replevin or other process while the proceedings ~~hereinbefore provided~~ are pending; ~~and final. Final judgment in such proceedings shall be in all cases a bar to any suit civil action for the recovery of any liquors seized or of their value, or for damages alleged to have been sustained by reason of the seizure and detention thereof.'~~

**Sec. 88. R. S., c. 63, § 11, sub-§ IX, amended.** Subsection IX of section 11 of chapter 63 of the Revised Statutes is amended to read as follows:

'**IX. University of Maine, etc.** Officers and employees of the University of Maine, of the several state ~~normal schools and~~ teachers' colleges and of the unorganized territory school system.'

**Sec. 89. R. S., c. 63-A, § 1, amended.** The 10th paragraph of section 1 of chapter 63-A of the Revised Statutes, which relates to the definition of "Employee", as enacted by section 1 of chapter 417 of the public laws of 1955 and amended by section 41 of chapter 397 of the public laws of 1957, is further amended to read as follows:

"Employee" shall mean any regular classified or unclassified officer or employee in a department, including teachers in the state teachers' colleges ~~and normal schools~~, and for the purposes of this chapter, teachers in the public schools, but shall not include any member of the Legislature or the Council or any Justice of the Superior Court or Supreme Judicial Court who is now or may be later entitled to retirement benefits under ~~the provisions of section 5 of chapter 103, section 5, and section 3 of chapter 106, section 3, nor shall it include any~~

**Judge of the District Court who is now or may be later entitled to retirement benefits under chapter 108-A**, nor shall it include any member of the State Police who is now entitled to retirement benefits under ~~the provisions of section 22 and 23 of chapter 15, sections 22, 22-A, 23 and 23-A.~~ Persons serving during any probationary period required under the Personnel Law and rules of the Personnel Board shall be deemed regular employees for purposes of this definition. In all cases of doubt, the board of trustees shall determine whether any person is an employee as defined in this chapter.'

**Sec. 90. R. S., c. 69-A, § 11, amended.** The 2nd and 3rd sentences of section 11 of chapter 69-A of the Revised Statutes, as enacted by section 1 of chapter 303 of the public laws of 1959, are amended to read as follows:

'If it be established that the defendant has been or is committing an act declared to be a misdemeanor by this chapter, the court ~~or any judge thereof~~ shall enter a decree perpetually enjoining said defendant from further committing such act. In case of violation of any injunction issued under this section, the court ~~or any judge thereof~~ may summarily try and punish the offender for contempt of court.'

**Sec. 91. R. S., c. 83, § 8, amended.** The next to the last sentence of section 8 of chapter 83 of the Revised Statutes is amended to read as follows:

'If any person shall refuse to obey any subpoena so issued or shall refuse to testify or produce any books, papers or documents, the board may present its ~~petition~~ **complaint** to the Superior Court, setting forth the facts, and thereupon such court shall, in a proper case, issue its subpoena to such person, requiring his attendance before such court and there to testify or to produce such books, papers and documents as may be deemed necessary and pertinent by the court.'

**Sec. 92. R. S., c. 89, § 5, amended.** The last sentence of section 5 of chapter 89 of the Revised Statutes is amended to read as follows:

'The votes shall be received, sorted, counted and declared as votes for Representatives are: The names of the persons voted for, the number of votes for each and the whole number of ballots received shall be recorded by the clerk in the town records, and true copies thereof, sealed and attested as returns of votes for Senators, shall be transmitted to the Secretary of State ~~within 30 days.~~

**Sec. 93. R. S., c. 89, § 71, amended.** The first sentence of section 71 of chapter 89 of the Revised Statutes is amended to read as follows:

'Whenever the location of any state, state aid or ~~third class highway~~ **town way that was designated as a 3rd class highway at the time the 3rd class highway designations were rescinded** is changed, added to, discontinued or a new location is established within a county, the county commissioners of said county shall place on file the description of such change and shall notify the State Highway Commission of such change with an accurate description of the courses and distances within 3 months from such action.'

**Sec. 94. R. S., c. 89, § 71-B, amended.** The 2nd and 3rd sentences of section 71-B of chapter 89 of the Revised Statutes, as enacted by section 37 of chapter 405 of the public laws of 1955, are amended to read as follows:

'Said commissioners are authorized on behalf of the inhabitants of ~~Topsfield~~ Lambert Lake and Brookton Townships to enter into similar contracts or to

take similar steps to provide public dumps for said townships. ~~Said commissioners are authorized on behalf of the inhabitants of Baring to enter into similar contracts or to take similar steps to provide fire protection, other than forest fire protection, public dumps, public sewers and street lighting for said township.~~

**Sec. 95. R. S., c. 89, § 111, amended.** Section 111 of chapter 89 of the Revised Statutes is amended to read as follows:

**'Sec. 111. No recording officer to be attorney or sue in his own court, nor draft or aid in drafting any paper which he is required to record.** No clerk, register or recording officer of any court of the State shall be attorney or counsel or in any ~~suit~~ civil action or matter pending in such court; neither shall he commence actions to be entered therein, nor draft nor aid in drafting any document or paper which he is by law required to record, in full or in part, under a penalty of not more than \$100, to be recovered by indictment for the benefit of the county.'

**Sec. 96. R. S., c. 89, § 115, amended.** The 2nd sentence of section 115 of chapter 89 of the Revised Statutes is amended to read as follows:

'All such ~~suits~~ actions and proceedings shall be prosecuted by him or under his direction.'

**Sec. 97. R. S., c. 89, § 133, amended.** Section 133 of chapter 89 of the Revised Statutes, as amended by section 45 of chapter 317 of the public laws of 1959, is further amended to read as follows:

**'Sec. 133. Receive costs in favor of State.** Costs in all civil actions in the name of the State, paid before execution issues, shall be paid to the clerk of the court where the ~~suit~~ action is pending and be by him paid, without deduction, to the county treasurer.'

**Sec. 98. R. S., c. 89, § 137, repealed.** Section 137 of chapter 89 of the Revised Statutes is repealed as follows:

~~'Sec. 137. Annual schedule of securities taken on discharge of prisoners. The county treasurer shall, within 3 months before the first Wednesday of each January, lay before the county commissioners a schedule of all notes and securities taken by the sheriff of such county for fines and costs on the liberation of poor convicts from prison, and by him delivered to said treasurer.'~~

**Sec. 99. R. S., c. 89, § 213, amended.** The first and 2nd sentences of section 213 of chapter 89 of the Revised Statutes are amended to read as follows:

'The meetings for such election shall be notified, held and regulated and the votes received, sorted, counted, declared and recorded in the same manner as votes for Representatives, and fair copies of the lists of votes shall be attested by the municipal officers and clerks of towns and sealed up in open town meetings, and town clerks shall cause them to be delivered into the office of the Secretary of State ~~within 30 days next succeeding such meeting~~. The Governor and Council shall ~~by the 1st day of December following~~ open and examine the same and the list of votes of citizens in the military service returned to said office.'

**Sec. 100. R. S., c. 90-B, § 6, amended.** The 5th and 6th paragraphs of section 6 of chapter 90-B of the Revised Statutes, as enacted by section 1 of chapter 359 of the public laws of 1959, are amended to read as follows:

'Any owner of, or persons entitled to any estate in or interest in any part of the real property, or interest therein, so taken, who cannot agree with said authority for the price of the real property, or interest therein, so taken in which he is interested as aforesaid, may, within 3 months after personal notice of said taking, or, if he has no personal notice, may within one year from the first publication of the copy of such resolution and statement referred to in the preceding paragraph, apply by ~~petition~~ **complaint** to the Superior Court in and for the county, setting forth the taking of his real property, or interest therein, and praying for an assessment of damages by a jury. Upon filing of such ~~petition~~ **complaint**, the said court shall cause 20 days' notice of the pendency thereof to be given to such authority by serving the chairman of the authority with a certified copy thereof, and may proceed after such notice to the trial thereof; ~~and such.~~ **Such** trial shall determine all questions of fact relating to the value of such real property, or interest therein, and the amount thereof, and judgment shall be entered upon the verdict of such jury and execution shall be issued therefor against the money so deposited in said court. In case the authority is in doubt as to conflicting ownership or interest, the authority may ~~petition~~ **file a complaint in** the said Superior Court for a determination of the various rights and amounts due. In case 2 or more conflicting ~~petitioners~~ **plaintiffs** make claim to the same real property, or to any interests therein or to different interests in the same parcel of real property, said court, upon motion, shall consolidate their several ~~petitions~~ **complaints** for trial at the same time by the same jury, and may frame all necessary issues for the trial thereof. Appeal from the decision of the Superior Court may be made in like manner as provided for appeals in civil cases.

If any real property or interest therein, in which any infant or other person not capable in law to act in his own behalf is interested, ~~are~~ **is** taken by such authority under ~~the provisions~~ of this chapter, said Superior Court, upon the filing therein of any such ~~petition~~ **complaint** by or in behalf of such infant or other person, may appoint a guardian ad litem for such infant or other person, and such guardian may appear and be heard in behalf of such infant or other person; and such guardian may ~~also~~, with the advice and consent of said Superior Court and upon such terms as said Superior Court may prescribe, release to such authority all claims for damages for the real property of such infant or other person or for any such interests therein. Any lawfully appointed, qualified and acting guardian or other fiduciary of the estate of any such infant or other person, with the approval of the court of probate within this State having jurisdiction to authorize the sale of real property within this State of any such infant or other person, may, before the filing of any such ~~petition~~ **complaint**, agree with such authority upon the amount of damages suffered by such infant or other person by any taking of his real property or of his interests in any real property and may, upon receiving such amount, release to such authority all claims for damages of such infant or other person for such taking.'

**Sec. 101. R. S., c. 90-B, § 9, sub-§ V, amended.** Subsection V of section 9 of

chapter 90-B of the Revised Statutes, as enacted by section 1 of chapter 359 of the public laws of 1959, is amended to read as follows :

**'V. Conclusively deemed issued for purpose recited.** In any ~~suit~~ action or proceeding involving the validity or enforceability of any bond issued under this chapter or the security therefor, any such bond reciting in substance that it has been issued by the authority in connection with an urban renewal project, as ~~herein~~ defined, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located and carried out in accordance with ~~the provisions of~~ this chapter.'

**Sec. 102. R. S., c. 91-A, § 10, sub-§ V, ¶ K, amended.** Paragraph K of subsection B of section 10 of chapter 91-A of the Revised Statutes, as enacted by section 1 of chapter 399 of the public laws of 1955, is amended to read as follows :

**'K.** Personal property in another state or country and legally taxed there ~~except as provided in subsection IX of section 9.~~

**Sec. 103. R. S., c. 91-A, § 10, sub-§ VI, ¶ F, amended.** Paragraph F of subsection VI of section 10 of chapter 91-A of the Revised Statutes, as enacted by chapter 404 of the public laws of 1961, is amended to read as follows :

**'F.** Any real property constructed, altered or improved as ~~to include~~, or to include, a fallout shelter facility complying with the specifications of the Office of Civil Defense of the Department of Defense of the United States Government to the extent that the increase in value of real property is attributable to the fallout shelter facility ; provided that no exemption shall be allowed in an amount greater than \$200 multiplied by the number of occupants which such fallout shelter facility is designed to accommodate in accordance with such specifications.'

**Sec. 104. R. S., c. 91-A, § 50, amended.** The 2nd sentence of section 50 of chapter 91-A of the Revised Statutes, as enacted by section 1 of chapter 399 of the public laws of 1955, is amended to read as follows :

'If the applicant fails, the commissioners shall allow costs to the municipality, taxed as in a ~~suit~~ civil action in the Superior Court, and issue their warrant of distress against him for collection of such amount as may be due the municipality.'

**Sec. 105. R. S., c. 91-A, § 87, amended.** The 4th paragraph of section 87 of chapter 91-A of the Revised Statutes, as enacted by section 1 of chapter 399 of the public laws of 1955, is amended to read as follows :

'The ~~declaration~~ complaint in such action shall contain a statement of such tax, a description of the real estate contained in said notice and an allegation that a lien is claimed on said real estate to secure the payment of the tax. If no service is made upon the defendant, or if it shall appear that other persons are interested in such real estate, the court shall order such notice of said action as appears proper and shall allow such other persons to become parties thereto.'

**Sec. 106. R. S., c. 91-A, § 96, amended.** Section 96 of chapter 91-A of the Revised Statutes, as enacted by section 1 of chapter 399 of the public laws of 1955, is amended to read as follows :

**'Sec. 96. Defendants not to deny title in actions to collect taxes; exception.** In all ~~suits~~ **civil actions** to enforce the collection of a tax on real estate, if it appears that on April 1st of the year for which such tax was assessed, the record title to the real estate listed was in the defendant, he shall not deny his title thereto; ~~provided, however, that if.~~ **If** any owner of real estate who has conveyed the same shall forthwith file a copy of the description as given in his deed with the date thereof and the name and last known address of his grantee, in the registry of deeds where such deed should be recorded, he shall be free from any liability under this section.'

**Sec. 107. R. S., c. 93, § 12, amended.** The last paragraph of section 12 of chapter 93 of the Revised Statutes is amended to read as follows:

'In any ~~suit~~ **civil action** or proceedings involving the validity or enforceability of any bond of an authority or the security therefor, any such bond reciting in substance that it has been issued by the authority to aid in financing a project ~~as herein defined~~ shall be deemed to have been issued for such purpose, and such project shall be deemed to have been planned, located and carried out in accordance with the purposes and provisions of this chapter.'

**Sec. 108. R. S., c. 94, § 1, sub-§ I, amended.** The 3rd sentence of subsection I of section 1 of chapter 94 of the Revised Statutes is amended to read as follows:

'When, in a ~~suit~~ **civil action** between towns involving the settlement of a pauper, it appears that a marriage was procured to change it by the agency or collusion of the officers of either town, or of any person having charge of such pauper under authority of either town, the settlement is not affected by such marriage.'

**Sec. 109. R. S., c. 95, § 11, amended.** Section 11 of chapter 95 of the Revised Statutes is amended to read as follows:

**'Sec. 11. Actual paupers subject to extension of confinement.** Notwithstanding the payment of costs and expenses, if the prisoner has actually received relief as a pauper, the overseers of the poor where the house is or of the town to which he belongs, on complaint to the ~~justice or court~~ by ~~whom~~ **which** he was committed, may procure an extension of the confinement for not more than 30 days at a time by the ~~judge or justice; and such court.~~ **Such** application may be renewed, if occasion requires it, on like complaint; ~~and in.~~ **In** all cases the prisoners shall be brought before the ~~justice or court~~ to answer to the complaint.'

**Sec. 110. R. S., c. 96, § 172, amended.** Section 172 of chapter 96 of the Revised Statutes is amended to read as follows:

**'Sec. 172. After completion of improvements, repairs made at expense of occupying proprietors.** After dams, dikes and removal of obstructions have been completed in pursuance of ~~the provisions of~~ sections 155 to 171, repairs thereon may be made on ~~petition~~ **complaint** to the court and the proceedings shall be similar to those required for the construction of the original improvements, but such repairs shall be made at the expense of such proprietors only as occupy their lands, take crops therefrom and are actually benefited by such improvements.'

**Sec. 111. R. S., c. 97, § 48-A, sub-§ III, amended.** Subsection III of section 48-A of chapter 97 of the Revised Statutes, as enacted by chapter 163 of the public laws of 1959, is amended to read as follows:

**III. Rights declared.** Any person aggrieved by a regulation or by an act of the commissioner in enforcing it may have his rights declared by bringing ~~a petition an action~~ for declaratory judgment under chapter 107, sections 38 to 50, naming the commissioner as defendant.'

**Sec. 112. R. S., c. 98, § 7, amended.** The 7th and 8th sentences of section 7 of chapter 98 of the Revised Statutes are amended to read as follows:

'The decision of said ~~justice court~~ shall be communicated within 10 days after the date of hearing to the appellant and to the municipal officers of the town in which the proposed wharf, weir or trap is to be located; ~~and this.~~ **This** decision shall be binding on said municipal officers, who shall issue a license, if so directed by the decision of said ~~justice court~~, within 3 days after said decision has been communicated to them. If said appeal is sustained by said ~~justice court~~ in whole or in part, the appellant shall have his costs against the appellee.'

**Sec. 113. R. S., c. 102, § 10, amended.** The last paragraph of section 10 of chapter 102 of the Revised Statutes is amended to read as follows:

'Acceptance of any such offer by any creditor and payment of the sum agreed upon shall in all cases be and constitute a full and complete discharge of any such claim, demand or obligation, whether arising from taxes, bonds, notes or otherwise, and no attachment, levy, ~~suit~~ action or other process or proceeding shall thereafter be commenced, maintained or prosecuted for the collection of any part thereof.'

**Sec. 114. R. S., c. 103, § 14, amended.** Section 14 of chapter 103 of the Revised Statutes is amended to read as follows:

**Sec. 14. Messenger in Cumberland County.** Any Justice of the Supreme Judicial Court residing in Cumberland County may appoint a messenger to act at all sessions of the law court in said county and at all ~~equity non-jury~~ sessions held in said county, whose compensation shall be the same as, but shall not exceed, the amount allowed to the messenger for the Supreme Judicial Court on July 13, 1929.'

**Sec. 115. R. S., c. 106, § 22, amended.** Section 22 of chapter 106 of the Revised Statutes is amended to read as follows:

**Sec. 22. Jurisdiction of complaints for judicial declaration of citizenship.** The Superior Court shall have jurisdiction to hear and determine ~~petitions complaints~~ **complaints** of persons alleging themselves to be citizens, resident and domiciled inhabitants of this State and praying a judicial declaration of such citizenship, residence and domicile. Such ~~petitions complaints~~ shall set forth the grounds upon which the application is based, shall be supported by such evidence as the court shall deem necessary and shall be filed, heard and determined in the county in which the ~~petitioner~~ **plaintiff** claims residence. If such ~~petitioner~~ **plaintiff** desires a jury trial upon his ~~petition~~ **complaint**, he may indorse a request therefor

upon the ~~petition~~ **complaint** at the time of entry and shall thereupon be entitled to the same.'

**Sec. 116. R. S., c. 106, § 23, amended.** Section 23 of chapter 106 of the Revised Statutes is amended to read as follows:

'**Sec. 23. Notice to Attorney General.** Notice of said ~~petition~~ **complaint** shall be given to the Attorney General by causing an attested copy of the same to be served upon him by an officer qualified to serve civil process, at least 14 days prior to the first day of the term of court at which said ~~petition~~ **complaint** is entered and the Attorney General may appear and be heard thereon.'

**Sec. 117. R. S., c. 106, § 24, amended.** Section 24 of chapter 106 of the Revised Statutes is amended to read as follows:

'**Sec. 24. Change of residence.** In the event of a subsequent change of residence on the part of any person so declared to be a citizen of this State, said court shall ~~also~~ have jurisdiction and authority upon ~~petition~~ **complaint** therefor and like proceedings had to make a judicial declaration of such change of residence, and decree that the former judgment entered in such case shall thereafter be of no force and effect.'

**Sec. 118. R. S., c. 107, § 36, amended.** The last 3 paragraphs of section 36 of chapter 107 of the Revised Statutes, as amended by section 332 of chapter 317 of the public laws of 1961, are further amended to read as follows:

'Such order to show cause shall be served upon such party or parties as are sought to be restrained and as shall be specified in said order and then only upon testimony under oath, or in the discretion of the court upon affidavits, sufficient, if sustained, to justify the court in issuing a ~~temporary~~ **preliminary** injunction upon a hearing as ~~herein~~ provided for.

Such a temporary restraining order shall be effective for no longer than 5 days and at the expiration of said 5 days shall become void and not subject to renewal or extension; ~~provided, however, that if.~~ **If** the hearing for a ~~temporary~~ **preliminary** injunction shall have been begun before the expiration of the said 5 days, the restraining order may in the court's discretion be continued until a decision is reached upon the issuance of the ~~temporary~~ **preliminary** injunction. A temporary restraining order may be issued without notice on condition that complainant shall first file an undertaking with adequate security sufficient to recompense those enjoined for any loss, expense or damage caused by the erroneous issuance of such order, including all reasonable costs and expense against the order or against the granting of any injunctive relief sought in the same proceeding and subsequently denied by the court.

The undertaking herein mentioned shall be understood to signify an agreement entered into by the complainant and the surety upon which a decree may be rendered in the same ~~suit~~ **action** or proceeding against said complainant and surety, the said complainant and surety submitting themselves to the jurisdiction of the court for that purpose. Nothing herein contained shall deprive any party having a claim or cause of action under or upon such undertaking from electing to pursue his ordinary remedy by civil action.'



**Sec. 119. R. S., c. 112, § 47, amended.** The first sentence of section 47 of chapter 112 of the Revised Statutes is amended to read as follows:

'If, upon examination held under ~~the provisions of~~ section 45 or upon the verdict of a jury as ~~hereinafter~~ provided, it appears that the mortgage is valid, the court ~~or such justice or judge thereof~~, having first ascertained the amount justly due upon it, may direct the attaching creditor to pay the same to the mortgagee or his assigns within such time as it orders; ~~and, if~~. If he does not pay or tender the amount within the time prescribed, the attachment shall be vacated and the property shall be restored.'

**Sec. 120. R. S., c. 112, § 77, amended.** Section 77 of chapter 112 of the Revised Statutes, as amended by section 139 of chapter 317 of the public laws of 1959, is further amended to read as follows:

'**Sec. 77. Debtor may petition for a valuation and release.** Any defendant, whose interest in real estate is attached on mesne process, may petition ~~a justice of~~ the Superior Court, setting forth the names of the parties to the action, the court and county in which it is returnable or pending, the fact of the attachment, the particular real estate and his interest therein, its value and his desire to have it released from the attachment. Such ~~justice court~~ shall issue a written notice which shall be served on all parties to the action living in the State, including trustees mentioned in section 82, and on the plaintiff's attorney, 10 days at least before the time fixed therein for a hearing.'

**Sec. 121. R. S., c. 112, § 78, amended.** Section 78 of chapter 112 of the Revised Statutes, as amended by section 140 of chapter 317 of the public laws of 1959, is further amended to read as follows:

'**Sec. 78. Valuation and release on bond of debtor.** If, at the hearing, such ~~justice court~~ finds that such interest is worth as much as the amount ordered in the writ to be attached, ~~he it~~ shall order such defendant to give bond to the plaintiff, with sufficient sureties, conditioned that within 30 days after judgment for the plaintiff has become final by expiration of the time for appeal, by dismissal of an appeal or on certificate of decision from the law court, he will pay the judgment recovered by the plaintiff, with his costs on the petition, such bond, except as otherwise provided, to be in an amount equal to the amount ordered in the writ to be attached; but, if ~~he it~~ finds that such interest is worth less than the amount ordered in the writ to be attached, such bond, except as otherwise provided, shall be in an amount equal to the value of such interest. If, in either event the ~~justice court~~ shall find that the value of the interest attached is in excess of the amount of any judgment which the plaintiff may reasonably be expected to recover, with his costs on the petition, ~~he it~~ may fix the amount of such bond at such sum, not exceeding the amount ordered to be attached and not exceeding the value of the interest attached, as ~~he it~~ may deem adequate to protect the plaintiff in the collection of any judgment recovered by him, with his costs on the petition.'

**Sec. 122. R. S., c. 112, § 82, amended.** The next to the last sentence of section 82 of chapter 112 of the Revised Statutes is amended to read as follows:

'Such bonds, when approved by ~~such justice the court~~, shall be filed in the clerk's office for the use of the trustees.'

**Sec. 123. R. S., c. 112, § 83, amended.** Section 83 of chapter 112 of the Revised Statutes, as amended by section 354 of chapter 317 of the public laws of 1961, is further amended to read as follows:

'**Sec. 83. Costs.** The party finally prevailing in the action shall recover the costs of these proceedings, taxed as costs of court in other cases and certified by ~~such justice the court~~, and execution shall issue therefor.'

**Sec. 124. R. S., c. 113, § 40, amended.** The 4th and 5th sentences of section 40 of chapter 113 of the Revised Statutes are amended to read as follows:

'If the defendant relies upon the breach of any condition of the policy by the plaintiff as a defense, it shall set the same up by ~~brief statement or special plea at its election; answer~~, and all conditions, the breach of which is known to the defendant and not so ~~specially~~ pleaded, shall be deemed to have been complied with by the plaintiff. The plaintiff by ~~counter brief statement or replication a reply to the answer~~ may set up any matter waiving or legally excusing his non-compliance with conditions as alleged by the defendant.'

**Sec. 125. R. S., c. 113, § 66, amended.** Section 66 of chapter 113 of the Revised Statutes, as amended by section 367 of chapter 317 of the public laws of 1961, is further amended to read as follows:

'**Sec. 66. If leave granted, bond given.** If leave is granted, the ~~petitioner plaintiff in the subsequent action~~ shall give bond or enter into recognizance with sufficient surety in such sum as the court orders, to pay the plaintiff in the prior action all damages and costs occasioned by such defense. An entry of record shall be made that he is admitted to defend such action.'

**Sec. 126. R. S., c. 113, § 67, amended.** Section 67 of chapter 113 of the Revised Statutes is amended to read as follows:

'**Sec. 67. Judgment, how entered when defense fails.** When the ~~petitioner plaintiff in the subsequent action~~ enters into recognizance and fails in his defense, execution on his recognizance shall be issued against him for the damages found by the court, and costs; ~~and judgment~~. **Judgment** shall be rendered between the original parties as if no such defense had been made.'

**Sec. 127. R. S., c. 113, § 68, amended.** Section 68 of chapter 113 of the Revised Statutes is amended to read as follows:

'**Sec. 68. How entered when defense prevails.** When the ~~petitioner plaintiff in the subsequent action~~ prevails, judgment shall be rendered against the plaintiff in the prior action and in favor of the ~~petitioner plaintiff in the subsequent action~~, and execution issued thereon for his costs; ~~and costs~~. **Costs** may or may not be awarded to the original defendant.'

**Sec. 128. R. S., c. 113, § 69, amended.** Section 69 of chapter 113 of the Revised Statutes, as repealed and replaced by section 179 of chapter 317 of the public laws of 1959, is amended to read as follows:

**Sec. 69. When judgment in prior action rendered, move to seek relief.** When judgment in such prior action has been rendered, the plaintiff in such subsequent action may ~~petition~~ **move** for leave to seek relief from the judgment, first giving bond to each party as provided in section 66 and such leave may or may not be granted.'

**Sec. 129. R. S., c. 113, § 156, amended.** The 3rd paragraph of section 156 of chapter 113 of the Revised Statutes is amended to read as follows:

'For a power of attorney, 50c; and for the plaintiff's ~~declaration~~ **complaint**; 50c in the Superior Court, but no fee for a power of attorney shall be taxed before any ~~municipal District Court or trial justice unless otherwise specially provided in the act establishing such court.~~ For an issue in law or fact, there shall be allowed for an attorney's fee, \$2.50 in the Supreme Judicial or Superior Courts. A fee of \$5 shall be taxed in the plaintiff's costs for making up a conditional judgment under ~~the provisions of section 10 of chapter 177,~~ **section 10.**'

**Sec. 130. R. S., c. 114, § 25, amended.** Section 25 of chapter 114 of the Revised Statutes is amended to read as follows:

**Sec. 25. Complaint considered true.** If the plaintiff proceeds no further, the ~~declaration~~ **complaint** shall be considered true.'

**Sec. 131. R. S., c. 114, § 50, amended.** Section 50 of chapter 114 of the Revised Statutes is amended to read as follows:

**Sec. 50. It trustee discloses property mortgaged to him.** When a trustee states in his disclosure that he had, at the time when the process was served on him, in his possession property not exempted by law from attachment, mortgaged, pledged or delivered to him by the principal defendant to secure the payment of money due to him and that the principal defendant has an existing right to redeem it by payment thereof, the court ~~or justice~~ before which the action is pending shall order that on payment or tender of such money by the plaintiff to said trustee within such time as the court orders and while the right of redemption exists, he shall deliver the property to the officer serving the process, to be held and disposed of as if it had been attached on mesne process; and in default thereof, that he shall be charged as the trustee of the principal debtor. This order shall be entered on the records of the court ~~or justice.~~'

**Sec. 132. R. S., c. 114, § 51, amended.** Section 51 of chapter 114 of the Revised Statutes, as amended by section 228 of chapter 317 of the public laws of 1959, is further amended to read as follows:

**Sec. 51. Excess determined by court or jury.** If it appears that the plaintiff has complied with the order of the court ~~or justice~~ and that the trustee has refused or neglected to comply therewith, the court ~~or justice~~ shall enter up judgment against him for the amount due and returned unsatisfied on the execution if there appears to be in his hands such an amount of the property mortgaged over and above the sum due him; but if not, then for the amount of said property exceeding that sum, if any. The amount of this excess shall be determined by the court or jury.'

**Sec. 133. R. S., c. 114, § 52, amended.** Section 52 of chapter 114 of the Revised Statutes is amended to read as follows:

**'Sec. 52. On disclosure, trustee to deliver property to officer.** If, by the disclosure, it appears that the property in the hands of the supposed trustee was mortgaged, pledged or subject to a lien to indemnify him against any liability or to secure the performance of any contract or condition and that the principal defendant has an existing right to redeem it, the court may order that, upon the discharge of such liability or the performance of such contract or condition by the plaintiff, within such time as the court ~~or justice~~ orders and while the right of redeeming exists, such trustee shall deliver the property to the officer, to be by him held and disposed of as if it had been attached.'

**Sec. 134. R. S., c. 115, § 7, amended.** Section 7 of chapter 115 of the Revised Statutes is amended to read as follows:

**'Sec. 7. Surrender of principal in court.** If the bail do not surrender the principal ~~as aforesaid~~, they may, at any time before final judgment in the original ~~suit~~ action, bring him into court where the action is pending and deliver him into the custody thereof and be thereby discharged.'

**Sec. 135. R. S., c. 120, § 6, amended.** Section 6 of chapter 120 of the Revised Statutes is amended to read as follows:

**'Sec. 6. Mode of making disclosure; adjudication of justices; discharge.** If the debtor at the appointed time and place makes a full disclosure of the actual state of his affairs and of all his property, rights and credits, and answers all proper interrogatories in regard to the same to the satisfaction of said justices, and they are satisfied that the disclosure is true and do not discover anything therein inconsistent with his taking the oath prescribed in section 56, they may administer it to him and certify the fact on the ~~writ, and the complaint~~. The debtor shall thereupon be discharged from arrest, and no execution issuing on the judgment in the ~~suit~~ action shall run against his body, but against his property only.'

**Sec. 136. R. S., c. 120, § 41, amended.** Section 41 of chapter 120 of the Revised Statutes, as amended by section 427 of chapter 317 of the public laws of 1961, is further amended to read as follows:

**'Sec. 41. Release of debtor when arrested.** When a debtor is arrested upon said *capias* and execution or upon any subsequent execution upon which a copy of either of the certificates required by sections 39 and 40 has been indorsed, all subsequent proceedings for his release shall be the same as in case of arrest or imprisonment on executions in civil actions; but if said debtor fails to obtain his discharge at any subsequent examination before justices of the peace, he shall not a second time disclose before such justices, but may thereafter apply to ~~a justice of~~ the Superior Court and disclose as provided in section 72.'

**Sec. 137. R. S., c. 120, § 66, amended.** Section 66 of chapter 120 of the Revised Statutes is amended to read as follows:

**'Sec. 66. Amount recoverable, if forfeited.** If the debtor fails to fulfill the condition of such bond, judgment in ~~a suit~~ an action thereon shall be rendered

for the amount of the execution, costs and fees of service, with interest thereon, against all the obligors; and a special judgment against the principal for a sum equal to the interest on said amount at the rate of 20% a year after breach of the bond.'

**Sec. 138. R. S., c. 122, § 9, amended.** Section 9 of chapter 122 of the Revised Statutes is amended to read as follows:

**'Sec. 9. When judgment rendered for claimant, he shall have possession on filing recognizance.** When judgment is rendered for the claimant, a writ of possession shall issue in all cases if the claimant recognizes to the defendant in the manner before provided, conditioned to pay all such damages and costs as may be awarded against him if final judgment is rendered for the defendant; ~~and if.~~ If on trial the jury find for the defendant, they shall also find the damages sustained by him; ~~in.~~ In case of ~~non~~suit dismissal, his damages shall be assessed by the court; ~~and in.~~ In either case the claimant may give evidence of any claim for rent of the premises, to be set off against damages claimed by the defendant. If the defendant prevails, the court may or ~~may~~ not, as justice requires, issue a writ to restore to him possession of the premises.'

**Sec. 139. R. S., c. 124, § 7, amended.** Section 7 of chapter 124 of the Revised Statutes, as amended by section 273 of chapter 317 of the public laws of 1959, is further amended to read as follows:

**'Sec. 7. Injunction to prevent waste, pending a process for the recovery of lands, and on lands attached.** If a defendant in an action to recover possession of real estate or a person whose real estate is attached in a civil action commits any act of waste thereon, or threatens or makes preparations to do so, ~~any justice of the supreme judicial court or of the Superior Court~~ any justice of the supreme judicial court or of the Superior Court may issue an injunction to stay such waste; but notice shall first be given to the adverse party to appear and answer, unless the applicant files a bond with sufficient sureties to respond to all damages and costs. The court may enforce obedience by such process as may be employed in other cases and dissolve it when deemed proper.'

**Sec. 140. R. S., c. 134, § 45, amended.** Section 45 of chapter 134 of the Revised Statutes is amended to read as follows:

**'Sec. 45. Prosecutions under sections 36, 39 and 43.** Any person may prosecute for all offenses described in sections 36, ~~38~~ 39 and 43 at any time within 6 months after the commission thereof.'

**Sec. 141. R. S., c. 135, § 7, amended.** Section 7 of chapter 135 of the Revised Statutes is amended to read as follows:

**'Sec. 7. Bribery of jurors, referees, appraisers or auditors, and acceptance.** Whoever corruptly gives, offers or promises a valuable consideration or gratuity to any person summoned, appointed, chosen or sworn as a juror, arbitrator, umpire or referee, auditor ~~master in chancery~~ or appraiser of real or personal estate, with intent to influence his opinion or decision in any matter pending or that may come legally before him for decision or action; and whoever corruptly or knowingly receives the same, in the manner and for the purpose aforesaid, shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 5 years.'

**Sec. 142. R. S., c. 139, § 19, amended.** Section 19 of chapter 139 of the Revised Statutes is amended to read as follows:

**'Sec. 19. Attorney General may have injunction to restrain any lottery.** When it appears to the Attorney General that any person has formed or published such a lottery, or taken any measures for that purpose, or is engaged in selling or otherwise distributing tickets, certificates, shares or interests therein, whether such lottery originated in this State or not, he shall immediately make complaint in the name of the State to ~~some justice of the supreme judicial court~~ ~~or of~~ the Superior Court for an injunction to restrain such person from further proceedings therein; ~~and if.~~ **If** satisfied that there is sufficient ground therefor, such ~~justice court~~ shall forthwith issue such injunction and thereupon ~~he it~~ shall order notice to be served on the adverse party to appear and answer to said complaint. Such ~~justice court~~, after a full hearing, may dissolve, modify or make perpetual such injunction, make all orders and decrees necessary to restrain and suppress such unlawful proceedings and, if the adverse party neglects to appear, or the final decree of the court is against him, judgment shall be rendered against him for all costs, fees and expenses incurred in the case and for such compensation to the Attorney General for his expenses, as the court deems reasonable.'

**Sec. 143. R. S., c. 150, § 1, amended.** The 5th paragraph of section 1 of chapter 150 of the Revised Statutes is amended to read as follows:

'No attendance shall be taxed in cases of defaulted recognizances, other than is taxed in the prosecutions in which they are taken, until the ~~return of a writ of seire facias issued~~ commencement of a proceeding thereon.'

**Sec. 144. R. S., c. 152, § 23, sub-§ III, amended.** The 2nd sentence of subsection III of section 23 of chapter 152 of the Revised Statutes is amended to read as follows:

'The prosecuting officer, ~~parole board~~ **State Probation and Parole Board**, warden or sheriff may ~~also~~ attach such further affidavits and other documents in duplicate as he shall deem proper to be submitted with such application.'

**Sec. 145. R. S., c. 153, § 14, amended.** Section 14 of chapter 153 of the Revised Statutes is amended to read as follows:

**'Sec. 14. When examination before some person appointed by judge, he may appoint reporter.** When an examination is taken before some person appointed by the judge to take it, the judge may ~~also~~ appoint a ~~stenographer reporter~~ to attend such examination for the purposes mentioned in section 10, and the duties of such ~~stenographer reporter~~ shall be the same as in examinations before the judge. The powers and duties of any person appointed by the judge to take an examination shall be the same at such examination as those of the judge, and the same proceedings for the correction or alteration of transcripts may be had before such person as before the judge.'

**Sec. 146. R. S., c. 166, § 70, amended.** The last paragraph of section 70 of chapter 166 of the Revised Statutes is amended to read as follows:

'An original ~~decree order~~ made pursuant to this section granting the care and custody of a minor child to the Department of Health and Welfare shall not

extend beyond the time when the child shall reach the age of 18 years. But upon application by the department, the court, for sufficient cause, may extend such ~~decree order~~ to the time when the child shall reach the age of 21 years.'

**Sec. 147. R. S., c. 178, § 16, amended.** The 5th, 6th and 7th sentences of section 16 of chapter 178 of the Revised Statutes, as amended by section 382 of chapter 317 of the public laws of 1959, are further amended to read as follows:

'Whenever a vessel has been attached and the expense of retaining possession of said vessel is great, or the vessel is liable to depreciate in value by reason thereof, any attaching creditor or an owner of said vessel may ~~petition a justice of~~ **bring an action** in the Superior Court **by complaint** praying that said vessel attached may be sold, and said ~~justice court~~ may order a hearing thereon. Due notice shall be given to all parties in interest of the time and place appointed for said hearing and a hearing on said ~~petition~~ **complaint** shall be had before ~~a justice of~~ said court. If it appears to said ~~justice court~~ to be for the benefit of all parties in interest that said vessel should be sold, ~~he it~~ shall issue to the officer in possession of the same, or to the sheriff of the county in which said vessel has been attached, an order to sell it at public auction, and shall designate in said order the notice to be given of the time and place of said sale.'

**Sec. 148. R. S., c. 179, § 6, amended.** Section 6 of chapter 179 of the Revised Statutes is amended to read as follows:

'**Sec. 6. Court may order party seizing to give bond.** When there is a claimant, the court may order the party seizing to give bond to him with sufficient surety for the safekeeping of the property seized, compliance with the ~~decree order~~ of court for restoration, and the payment of costs and damages, if not forfeited, and may hear and determine the cause by a jury, or without, if the parties agree, and may allow costs against the claimant; ~~if~~. **If** there is no claimant, the court shall ~~decree order~~ the forfeiture and disposal of the property according to law, and a sale and distribution of the proceeds, after deducting all proper charges.'

**Sec. 149. R. S., c. 179, § 7, amended.** Section 7 of chapter 179 of the Revised Statutes, as amended by section 613 of chapter 317 of the public laws of 1961, is further amended to read as follows:

'**Sec. 7. If complaint not supported, property restored with damages.** If the complaint is not supported or is discontinued, the court shall ~~decree order~~ a restoration of the property, with costs. If the jury or court finds the seizure without probable cause, reasonable damages shall be ~~decreeed ordered~~ for the claimant.'

**Sec. 150. R. S., c. 180, § 43, amended.** Section 43 of chapter 180 of the Revised Statutes is amended to read as follows:

'**Sec. 43. Costs, if decision against plaintiffs.** If the decision of the county commissioners is against the ~~petitioners~~ **plaintiffs**, they shall pay the costs of the hearing, taxed as in other cases before county commissioners.'

**Sec. 151. R. S., c. 180, § 47, amended.** Section 47 of chapter 180 of the Revised Statutes is amended to read as follows:

**Sec. 47. If dam or reservoir reported unsafe.** If, after such personal survey and inspection, the engineer reports that such dam or reservoir is unsafe or dangerous to the lives or property of persons residing, carrying on business or employed near or below the same, then the owners, occupants or lessees thereof shall immediately make such alterations, repairs and additions to said dam or reservoir as such engineer recommends; ~~and in.~~ **In** default thereof, upon application of said engineer to ~~any justice of the supreme judicial court or of~~ the Superior Court, the said owners, occupants or lessees shall be enjoined from the use of such dam or reservoir and the water therein contained, until they or either of them comply with the requirements of said engineer, and the water contained in said dam or reservoir may be discharged therefrom, by order of said engineer, in such manner as he directs as in his judgment most conducive to the safety of human life, and consistent with the protection of property.'

**Sec. 152. R. S., c. 182, § 5, amended.** Section 5 of chapter 182 of the Revised Statutes is amended to read as follows:

**Sec. 5. Injunctions.** ~~The supreme judicial court or the~~ Superior Court may restrain by injunction any use of trade-marks or names in violation of ~~the foregoing provisions sections 1 to 4.~~

**Sec. 153. R. S., c. 183, § 4, amended.** The first sentence of section 4 of chapter 183 of the Revised Statutes is amended to read as follows:

'Any person, firm, corporation or incorporated trade association may maintain an action in the ~~supreme judicial or~~ Superior Court to enjoin a continuance of any act or acts in violation of ~~the provisions of~~ section 2 and, if injured thereby, for the recovery of damages.'

**Sec. 154. P. & S. L., 1961, c. 173, amended.** Chapter 173 of the private and special laws of 1961 is amended to read as follows:

**Determination of quorum.** At the time set forth in the warrant for the special town meeting **in the Town of Kittery**, the town clerk shall ascertain if a quorum is present by appointing 2 or more persons to actually count the number of voters present and make their returns to him. If it is found that a quorum is present, the meeting will proceed with the first article. If it is found that a quorum is not present, the town clerk will make the fact known and declare the meeting adjourned to such time and place as the selectmen shall determine.'