

# MAINE STATE LEGISLATURE

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NEW DRAFT

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**EIGHTY-FIRST LEGISLATURE**

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**HOUSE**

**NO. 497**

House of Representatives, March 30, 1923.

Reported by Mr. Archibald from Committee on Judiciary  
and ordered printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Archibald of Houlton.

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**STATE OF MAINE**

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**IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND TWENTY-THREE**

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AN ACT to Amend Sections Four, Five and Six of Chapter  
Ninety-six of the Revised Statutes in Relation to Foreclosure  
of Chattel Mortgages.

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

Section four of chapter ninety-six of the revised statutes  
2 is hereby amended by striking out all of said section and  
3 inserting in place thereof the following, so that said section,  
4 as amended, shall read as follows:

'Sect. 4. Notice of foreclosure. The mortgagee or his  
2 assignee, after condition broken, may give to the mortgagor  
3 or his assignee, when his assignment is recorded where the

4 mortgage is recorded, written notice of his intention to  
5 foreclose the same, by leaving a copy thereof with the  
6 mortgagor or such assignee, or if the mortgagor cannot be  
7 found by reasonable diligence or is out of the state, al-  
8 though resident therein, by leaving such copy at his last  
9 and usual place of abode, or by publishing it once a week,  
10 for three successive weeks in a newspaper printed in whole  
11 or in part and published in the town where the mortgage  
12 is recorded. When the mortgagor or his assignee of record  
13 is not a resident of the state and no newspaper is printed  
14 in whole or in part and published in such town, such notice  
15 may be published in any newspaper printed in whole or in  
16 part in the county where the mortgage is recorded.'

Section five of chapter ninety-six of the revised statutes  
2 is hereby amended by striking out all of said section and  
3 inserting therein the following, so that said section, as  
4 amended, shall read as follows:

'Sect. 5. Sworn copy of notice shall be recorded; is evi-  
2 dence of the facts; mortgagee out of state shall appoint  
3 agent. The notice with an affidavit of service or the official  
4 return of any officer qualified to serve civil process, or a  
5 copy of such printed notice and the name and date of the  
6 newspaper in which it was last published, shall be recorded  
7 where the mortgage is recorded, and a copy of such record  
8 is evidence that the notice has been given. If the mort-  
9 gagee or his assignee is not a resident of the state, he shall  
10 at the time of recording such notice record therewith his

11 appointment of an agent resident in the same town to re-  
12 ceive satisfaction of the mortgage, and payment or tender  
13 thereof may be made to him. If he does not appoint such  
14 agent the right to redeem is not forfeited.'

Section six of chapter ninety-six of the revised statutes  
2 is hereby amended by striking out all of said section and  
3 inserting in place thereof the following, so that said section,  
4 as amended, shall read as follows:

'Sect. 6. Right of redemption forfeited after sixty days;  
2 exceptions. The right to redeem shall be forfeited, except  
3 as provided in the preceding sections, if the money to be  
4 paid or other thing to be done is not paid or performed,  
5 or tender thereof made, within sixty days after such notice  
6 is recorded; but nothing in the preceding sections defeats  
7 a contract of bottomry, respondentia, transfer, assignment  
8 or hypothecation of a vessel or goods, at sea or abroad, if  
9 possession is taken as soon as may be after their arrival  
10 in the state. Any mortgagor or person having the right  
11 to redeem personal property mortgaged may demand of  
12 the mortgagee or person claiming under him, a true account  
13 of the sum due on the mortgage; and if he unreasonably  
14 refuses or neglects to render such account in writing, or in  
15 any other way by his default prevents the plaintiff from  
16 tendering performance of the conditions of said mortgage,  
17 said mortgagor or person having the right to redeem may  
18 bring his bill in equity for the redemption of said mort-  
19 gaged personal property within the time limited herein, and

20 therein offer to pay the sum found to be equitably due, or  
21 perform any other condition as the case may require, and  
22 such offer has the same force as a tender of payment or  
23 performance before the commencement of the suit, and  
24 the bill shall be sustained without such tender, and there-  
25 upon he shall be entitled to judgment for redemption and  
26 costs.'