

# MAINE STATE LEGISLATURE

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NEW DRAFT

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EIGHTY-FOURTH LEGISLATURE

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House Document

No. 758

H. P. 1688      House of Representatives, March 27, 1929.

Reported by a Majority of Committee on Judiciary. Both reports tabled by Mr. McCart, pending acceptance either report. New draft ordered printed.

CLYDE R. CHAPMAN, Clerk.

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STATE OF MAINE

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

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AN ACT to Modify the Practice on Pleas in Abatement.

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

Pleas and motions in abatement or to the jurisdiction may  
2 be filed within two days after the entry of the action, the  
3 day of entry to be reckoned as one, and, if alleging matter  
4 of fact not apparent on the face of the record, shall be  
5 verified by affidavit. When a plea or motion in abatement  
6 or to the jurisdiction has been overruled the defendant shall  
7 have the right to answer over on the merits. Nothing herein  
8 contained shall be construed as affecting the provisions of  
9 existing law relative to the filing of appearances.

## STATEMENT OF FACTS

Under the existing law pleas in abatement are a snare. They are required to be filed on the first or second day of the term and if such a plea is overruled the defendant has no right to answer over to the merits. He is therefore compelled to act at his peril when he has insufficient time for consideration. As a practical matter a wise defendant will not run the risk of filing such a plea.