

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

NEW DRAFT OF S. P. 345, L. D. 895

N I N E T Y - S E C O N D L E G I S L A T U R E

Legislative Document

No. 1127

S. P. 425

In Senate, April 5, 1945.

Reported by Senator Dow of Oxford from Committee on Judiciary and laid on table to be printed under joint rules.

CHESTER T. WINSLOW, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-FIVE

AN ACT Relating to Presumption of Death.

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

Sec. 1. R. S., c. 141, § 23, amended. Section 23 of chapter 141 of the revised statutes is hereby amended by adding at the end thereof the following:

‘Except that persons in World War II service classed as “missing in action” shall be presumed to be dead after continued absence of 1 year from the date such persons are so classed upon written finding of presumed death made by the Secretary of War, the Secretary of the Navy, or other officer or employee of the United States authorized to make such finding pursuant to the Federal Missing Persons Act, or upon a duly certified copy of said finding.’

Sec. 2. R. S., c. 141, §§ 23-A - 23-C, additional. Chapter 141 of the revised statutes is hereby amended by adding thereto 3 new sections to be numbered 23-A, 23-B, and 23-C, to read as follows:

‘Sec. 23-A. Evidence of presumption of death after 1 year. A written finding of presumed death, made by the Secretary of War, the Secretary of the Navy, or other officer or employee of the United States authorized

to make such finding, pursuant to the Federal Missing Persons Act (56 Stat. 143, 1092, and P. L. 408, Ch. 371, 2nd Sess. 78th Cong.; 50 U.S.C. App. Supp 1001-17), as now or hereafter amended, or a duly certified copy of such finding, shall be received in any court, office or other place in this state as evidence of the death of the person therein found to be dead, and the date, circumstances and place of his disappearance.'

'Sec. 23-B. Establishing fact of life or death. An official written report or record, or duly certified copy thereof, that a person is missing, missing in action, interned in a neutral country, or beleaguered, besieged or captured by an enemy, or is dead, or is alive, made by any officer or employee of the United States authorized by the act referred to in section 23-A or by any other law of the United States to make same, shall be received in any court, office or other place in this state as evidence that such person is missing, missing in action, interned in a neutral country, or beleaguered, besieged or captured by an enemy, or is dead, or is alive, as the case may be.'

'Sec. 23-C. Evidence of fact of execution of instrument. For the purposes of sections 23-A and 23-B, any finding, report or record, or duly certified copy thereof, purporting to have been signed by such an officer or employee of the United States as is described in said sections, shall prima facie be deemed to have been signed and issued by such an officer or employee pursuant to law, and the person signing same shall prima facie be deemed to have acted within the scope of his authority. If a copy purports to have been certified by a person authorized by law to certify the same, such certified copy shall be prima facie evidence of his authority so to certify.'