

# MAINE STATE LEGISLATURE

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N I N E T Y - S E V E N T H   L E G I S L A T U R E

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**Legislative Document**

**No. 398**

H. P. 360

House of Representatives, February 2, 1955.

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. McGlauffin of Portland.

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-FIVE

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**AN ACT** Relating to Amending Declaration or Pleading Anew After Demurrer.

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

**R. S., c. 113, § 38, amended.** The 1st sentence of section 38 of chapter 113 of the revised statutes is hereby amended to read as follows :

'A general demurrer to the declaration may be filed; and in any stage of the pleadings either party may demur and the demurrer must be joined, and it shall not be withdrawn without leave of court and of the opposite party; but the justice shall rule on it and his ruling shall be final unless the party aggrieved excepts; and before exceptions are filed and allowed, he has the ~~same~~ power ~~as~~ ~~the full court~~ to allow the plaintiff to amend or the defendant to plead anew.'