

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE

1909

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1909

PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fourth
Legislature

1909

Chapter 259.

An Act to amend Section forty-one of Chapter nine, of the Revised Statutes, as amended by Chapter sixty-nine, Section one, of the Public Laws of nineteen hundred and five, relating to the collection and payment of County Taxes by the State Treasurer.

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

Section forty-one of chapter nine of the revised statutes as amended by chapter sixty-nine, section one, of the public laws of nineteen hundred and five is hereby amended by striking out all after the word "assessment" in the eighth line thereof and inserting in its place the following: 'when collected by him and shall certify and pay to said county treasurer the amount of tax and interest so collected on or before the last day of April, August and December, and so much of said tax and interest so collected as may be necessary is hereby appropriated to pay the same to the several county treasurers, and the governor and council are hereby authorized to draw their warrants for the same as above provided,' so that as amended, said section shall read as follows:

Section 41, chapter 9, R. S., as amended by section 1, chapter 69, public laws, 1905, further amended.

'Section 41. Such lands may be assessed by the county commissioners according to the last state valuation for a due proportion of county taxes. Lists of such taxes shall immediately be certified and transmitted by the county treasurer to the treasurer of state. In the list, each such township and tract shall be sufficiently described, with the date and amount of assessment on each. The treasurer of state shall, in his books, credit the county treasurer for the amount of each such assessment when collected by him and shall certify and pay to said county treasurer the amount of tax and interest so collected on or before the last day of each April, August and December, and so much of said tax and interest so collected as may be necessary is hereby appropriated to pay the same to the several county treasurers, and the governor and council are hereby authorized to draw their warrants for the same as above provided.'

County commissioners may assess taxes according to last state valuation.

—lists shall be transmitted to state treasurer.

—treasurer of state shall credit county treasurer for amount of assessment.

Approved April 2, 1909.

Chapter 260.

An Act to amend Section thirteen of Chapter seventy-seven of the Revised Statutes, making certain the rights of a widow or widower in case of waiver of the provision of the will of the deceased husband or wife.

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

Section thirteen of chapter seventy-seven of the revised statutes is hereby amended by inserting after the word "receive" in the thirty-sixth line the words, 'the same share of the real estate

Section 13, chapter 77, R. S., amended.

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and;’ also by inserting after the word “personal” in the thirty-seventh line the words, ‘real and’; also by inserting after the word, “receive” in the forty-second line, the words, ‘the same share of the real estate and’; and by inserting before the word, “personal,” in the forty-sixth line the words, ‘real and,’ so that said section as amended shall read as follows:

Widow or widower may elect whether to accept provision in will or claim interest by descent.

‘Section 13. When a specific provision is made in a will, for the widow or widower of a testator or testatrix, who was married before May one, eighteen hundred and ninety-five, and died since January one, eighteen hundred and ninety-seven, or who was married on or after said May one, such legatee or devisee may within six months after probate of said will and not afterwards, except as hereinafter provided, make election, and file notice thereof in the probate court, whether to accept said provision or claim the right and interest by descent, herein provided; but is not entitled to both, unless it appear by the will that the testator or testatrix plainly so intended. If such election is not made within six months after probate of a will, and the estate is thereafter rendered insolvent, and commissioners are appointed by the judge of probate, such election may be made at any time within six months after the appointment of such commissioners. Such election shall not affect any title to real estate theretofore acquired from the executor or administrator with the will annexed, but the widow or widower may recover from such executor or administrator, if not paid within thirty days after demand therefor in writing, one third of any sums received from real estate sold before such waiver was filed. Whenever the widow or widower is advised that the legal construction of the provisions of the will for her or him is doubtful or uncertain, the time for making such election shall be extended to thirty days after certificate is returned to the probate court in the county where the probate proceedings are had, of the final decision by the supreme judicial court upon a bill of equity, commenced by said legatee or devisee within thirty days after the probate of the will, to obtain the decision of the court as to his or her rights under it, but in no case shall the time for election be less than six months after probate. The clerk of courts for the county in which the proceedings in equity are commenced, within three days after receipt of the decision therein, shall send notice of the same to the widow or widower, or her or his solicitor of record, and transmit a certified copy of the decree to the proper probate court, where it shall be recorded with the time of its reception. When a provision is made in a will for the widow of a testator who died after April twenty-sixth, eighteen hundred and ninety-seven, or for the widower of a testatrix, who died after June one,

—when estate insolvent.

—time for making election may be extended.

—proceedings

nineteen hundred and three, and such provision is waived as aforesaid, such widow or widower shall have and receive the same share of the real estate and the same distributive share of the real and personal estate of such testator or testatrix as is provided by law in intestate estates. When no provision is made for his widow in the will of a testator who died after April twenty-sixth, eighteen hundred and ninety-seven, or for her widower in the will of a testatrix, who died after June one, nineteen hundred and three, such widow or widower shall likewise have and receive the same share in the real estate and the same distributive share of the personal estate of such testator or testatrix as is provided by law in intestate estates, provided such widow or widower shall within six months after the probate of such will, file in the probate court written notice that she or he claims such share of the real and personal estate of such testator or testatrix. Any notice filed under the provisions of this section shall be recorded by the register of probate in the record books of the probate court where such notice is filed, but a failure to record such notice shall not in any way affect the rights of any widow or widower.'

—waiving,
to have
share of
personal
estate.

—when no
provision is
made, shall
have share
of personal
estate.

—notice
shall be
recorded by
register of
probate.

Approved April 2, 1909.

Chapter 261.

An Act to amend Section fifteen of Chapter four of the Revised Statutes, relating to the Election of Road Commissioner.

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

Section fifteen of chapter four of the revised statutes is amended by striking out the words "fill out the unexpired term" in the fifth line of said section and inserting in place thereof the words 'serve as road commissioner until the next annual meeting,' so that said section as amended shall read:

Section 15,
chapter 4,
R. S.,
amended.

'Section 15. If a person elected as road commissioner fails to qualify before the first Monday of April, the office shall be deemed vacant, and shall be filled by the selectmen by appointment; and in the event of a vacancy caused by death or otherwise, the selectmen shall appoint some competent person to serve as road commissioner until the next annual meeting, who shall qualify and perform the duties of said office. If a town fails to elect a road commissioner at its annual meeting, the money raised and assessed for the repair of bridges and ways as provided by section seventy of chapter twenty-three shall be expended for that purpose by the selectmen; if after the choice of any officer not required to be chosen by ballot, there is a vacancy in any such

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point.

—in case of
vacancy.

—on failure
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