

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE

1913

Including Acts and Resolves of the Special Session held
in 1912.

Published by the Secretary of State, agreeably to Resolves of
June 28, 1820, February 18, 1840, and March 16, 1842.

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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-Sixth
Legislature

1913

or employee requests in writing to be paid in a different manner; and every town shall so pay each employee in its business if so required by him; but an employee who is absent from his regular place of labor at a time fixed for payment shall be paid thereafter on demand. The provisions of this section shall not apply to an employee engaged in cutting and hauling logs and lumber, nor the driving of same until it reaches its place of destination for sale or manufacture; nor to an employee of a co-operative corporation or association if he is a stockholder therein unless he requests such corporation to pay him weekly. No corporation, contractor, person or partnership shall by a special contract with an employee or by any other means exempt himself or itself from the provisions of this act. Whoever violates the provisions of this act shall be punished by a fine of not less than ten nor more than fifty dollars.'

CHAP. 27

—town employees.

—act shall not apply to employees cutting and hauling logs.

—penalty for violation of this act.

Approved March 3, 1913.

Chapter 27.

An Act to Change the Burden of Proof in Certain Negligence Cases in Which Contributory Negligence is a Defense.

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

Section 1. In actions to recover damages for negligently causing the death of a person, or for injury to a person who is deceased at the time of trial of such action, the person for whose death or injury the action is brought shall be presumed to have been in the exercise of due care at the time of all acts in any way related to his death or injury, and if contributory negligence be relied upon as a defense it shall be pleaded and proved by the defendant.

Burden of proof in certain cases of negligence rests on defendant.

—contributory negligence shall be proved.

This act was not vetoed nor approved by the Governor.

Chapter 28.

An Act to Amend Section Sixty-nine of Chapter Sixty-six of the Revised Statutes, Relating to the Authority of Foreign Executors, Administrators, Guardians and Trustees.

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

Section 1. Section sixty-nine of chapter sixty-six of the Revised Statutes is hereby amended by inserting after the word "guardian" in the first line of said section the words 'conservator of the property of any person living out of the state,' and

Section 69, chapter 66, R. S., amended.

CHAP. 29

by inserting after the word "guardian" in the twelfth and fourteenth lines of said section the word 'conservator,' so that said section as amended shall read as follows:

Foreign executors, administrators, guardians, conservators or trustees may be licensed.

'Section 69. Any executor, administrator, guardian, conservator of the property of any person living out of the state, or trustee duly appointed in another state or in a foreign country and duly qualified and acting, who may be entitled to any personal estate in this state, may file an authenticated copy of his appointment in the probate court for any county in which there is real property of his trust, or, if there is no such real property, in any county in which there is personal estate of his trust or to which he may be entitled, and may upon petition to said court, after notice to all persons interested, be licensed to collect and receive such personal estate or to sell by public or private sale, or otherwise to dispose of, and to transfer and convey, shares in a corporation or other personal property, if the court finds that there is no executor, administrator, guardian, conservator or trustee appointed in this state who is authorized so to collect and receive such personal estate or to dispose of such shares or other personal property, and that such foreign executor, administrator, guardian, conservator or trustee will be liable to account for such personal estate or for the proceeds thereof in the state or country in which he was appointed; and that no person resident in this state and interested as a creditor or otherwise objects to the granting of such license or appears to be prejudiced thereby; but no such license shall be granted to a foreign executor or administrator until the expiration of six months after the death of his testator or intestate.'

—may collect and receive personal estate.

Approved March 4, 1913.

Chapter 29.

An Act to Amend Section Ten of Chapter One Hundred and Twenty-one of the Revised Statutes Pertaining to Larceny.

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

Section 10, chapter 121, R. S., amended.

Section 1. That section ten of chapter one hundred and twenty-one of the Revised Statutes of nineteen hundred and three is hereby amended, by adding after the word "who" in the seventh line of said section, the word 'fraudulently' so that said section, as amended, shall read as follows:

Larceny by one entrusted with property.

'Section 10. Whoever embezzles, or fraudulently converts to his own use, or secretes with intent to embezzle or fraudulently convert to his own use, money, goods or property deliv-