

# 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)

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.

---

AUGUSTA  
KENNEBEC JOURNAL PRINT  
1913

---

PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-Sixth  
Legislature

*1913*

---

Section 8. All pensions granted or payable under the provisions of this act shall be and are hereby made exempt from levy and sale by virtue of an execution and from all process and proceeding to enjoin and recover the same by or on behalf of any creditor or person having or asserting any claim against, or debt or liability of a teacher or pensioner.

## CHAP. 76

Pensions are exempt from levy, etc.

Section 9. All of the said school pension fund not distributed or expended for any financial year, shall, on the first day of July next following, be added to the permanent school fund.

Unexpended fund shall be added to school fund.

Approved March 19, 1913.

### Chapter 76.

An Act Additional to Chapter Seventy-nine of the Revised Statutes Relating to the Transfer of Actions and Other Matters to the Law Court in Case of the Death of the Presiding Justice.

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

In case of physical or mental disability, death, resignation, or removal of the justice presiding at any civil or criminal proceeding before the supreme judicial or superior court, or at a hearing in equity, in which a motion for new trial is made, exceptions presented or appeal taken, any justice of the supreme judicial court may, upon motion, and after notice and hearing, allow the exceptions, and upon request of the moving party, order the official stenographer to furnish a certified copy of the evidence required under the motion or appeal, and such portion thereof as may be made a part of the exceptions.

Any justice of the S. J. C. may order certified copy of evidence required when motion for new trial is made.

Approved March 19, 1913.

### Chapter 77.

An Act Relating to the Compulsory Assignment of Real Estate Mortgages Under Certain Circumstances.

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

When proceedings for the foreclosure of any prior mortgage of real estate have been commenced and instituted by any method provided by law, and at any time before the expiration of the time within which redemption may be made and had, the owner of any subsequent mortgage of the same real estate, or of any part of the same real estate, may in writing request the owner of such prior and foreclosed mortgage to assign such prior and foreclosed mortgage and the debt thereby secured, to him upon his paying to the owner of such prior and foreclosed

Owner of subsequent mortgage may in writing request assignment of prior foreclosed mortgage.

CHAP. 77 mortgage, the full amount, including all interest, costs of foreclosure and such other sums as the mortgagor or person redeeming would be required to pay in order to redeem, and if the owner of such prior and foreclosed mortgage neglects or refuses to make such assignment within a reasonable time after such written request, the owner of such subsequent mortgage may bring a bill in equity in the supreme judicial court for the purpose of compelling the owner of such prior and foreclosed mortgage to assign such prior and foreclosed mortgage, and the debt thereby secured, to him, the owner of such subsequent mortgage upon making payment as aforesaid. And if the said court, upon hearing, shall be of the opinion that the owner of such prior and foreclosed mortgage will not be injured or damaged in his property matters and rights by such assignment, and that such assignment will better protect the rights and interests of the owner of such subsequent mortgage, and that the rights and interests of any other person in and to the same real estate, or any part thereof, will not be prejudiced or endangered thereby, then the said court, in its discretion, may order and decree that such prior and foreclosed mortgage, and the debt thereby secured, shall be assigned by the owner thereof to the owner of such subsequent mortgage upon his making payment as aforesaid. And the time within which and the place where to make such payment shall be fixed by the court, and if the parties are unable to agree upon the amount of such payment then the court shall fix and determine the amount. And the said court shall have full power and authority to issue all necessary and needful process or processes to enforce any order or decree made under the provisions of this act. The owner of any prior and foreclosed mortgage assigned under the provisions of this act, shall not be holden on or liable for the debt secured by such mortgage unless he especially agrees in writing by him signed to be so holden or liable. An appeal from any final decree may be taken as provided by section twenty-two of chapter seventy-nine of the revised statutes.

—may bring bill in equity to compel assignment.

—court may decree an assignment.

—court shall fix amount to be paid.

—appeal from decree of court may be taken.

Approved March 19, 1913.