

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES  
OF THE  
STATE OF MAINE

ENACTED BY THE

Seventy-Seventh Legislature

1915

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

As Passed by the Seventy-Seventh Legislature

**1915**

[supplied from page 1 of volume]

Section 5. Section fourteen of chapter one hundred eight is hereby amended by striking out the word "four" in the second line thereof and inserting in lieu thereof the word 'ten'; and further amended by striking out in the third and fourth lines thereof the following: "by reading the venire and the endorsement thereon to them," and inserting in lieu thereof the following: 'by giving them in hand' so that said section, as amended, shall read as follows:

'Section 14. A constable of a town or the constables, marshals or deputy marshals of cities, shall notify the persons thus drawn ten days at least before the sitting of the court by giving them in hand, or leaving at their usual place of abode a written notice that they have been drawn, and of the time and place of the sitting of the court where they must attend; and shall make a seasonable return of the venire with his doings thereon'

Approved April 2, 1915.

CHAP. 323

Ch. 108, Sec.  
14, R. S.,  
amended.

Notice to  
persons  
drawn and  
return of  
venires.

### Chapter 323.

An Act Additional to Chapter Eighty-four of the Revised Statutes, Relating to the Pleadings in Actions at Law on Insurance Policies.

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

Chapter eighty-four of the Revised Statutes is hereby amended by adding thereto the following:

"That in all actions at law on insurance policies a declaration in the indetatus assumsit on an account annexed, with an allegation that the plaintiff has complied with all conditions of the policy of insurance, mentioned in the account annexed, shall be deemed sufficient. The account annexed shall state the number of the policy and the amount claimed as due, both as principal sum, and interest, if any. The fact that the amount claimed in the account annexed varies, from the amount found to be due the plaintiff shall not defeat the action unless there be a fraudulent claim of an excessive amount. If the defendant relies upon the breach of any condition of the policy by the plaintiff, as a defense, it shall set the same up by brief statement or special plea, at its election; and all conditions the breach of which is known to the defendant and not so specially pleaded shall be deemed to have been complied with by the plaintiff.

The plaintiff by counter brief statement or replication may set up any matter waiving or legally excusing his non-compliance with conditions as alleged by the defendant. Nothing

Ch. 84, R.  
S., amended.

Indetatus assum-  
sit on an  
account  
annexed,  
shall be  
deemed  
sufficient.

CHAP. 324 herein shall be construed as changing in any way the common law burden of proof as to such matters as are so put in issue under the pleadings.'

Approved April 2, 1915.

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### Chapter 324.

An Act to Amend Chapter Forty-two of the Public Laws of Nineteen Hundred Eleven, Relating to the Appointment of Guardians by Consent.

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

Ch. 42, Sec.  
1, P. L.,  
1911,  
amended.

Section 1. Section one of said chapter forty-two of the Public Laws of nineteen hundred eleven is hereby amended by substituting in the fifth and sixth lines and in the last line of said section in place of the words "guardian over him," the words 'conservator of his estate,' so that said section, as amended, shall read as follows:

Conserva-  
tor of es-  
tate may be  
appointed  
by judge  
of probate.

'Section 1. Whenever any person shall deem himself unfitted, by reason of infirmities of age or physical disability, to manage his estate with prudence and understanding, he may apply to the judge of probate for the county in which he resides, for the appointment of a conservator of his estate, and thereupon the said judge of probate may upon hearing, after such notice as he may order, appoint some suitable person as conservator of his estate, and such appointment shall not disfranchise the person for whose estate such conservator is appointed.'

Ch. 42, Sec.  
2, P. L., 1911,  
amended.

Section 2. Section two of said chapter forty-two is hereby amended by striking out all of said section and inserting in place thereof the following:

Conserva-  
tors of es-  
tates shall  
be bonded.

'Section 2. The person so appointed shall give bond to the judge of probate in such sum and with such sureties, resident in the State, or with a surety company authorized to do business in the State, as surety, as the judge accepts, conditioned as provided in section ten of chapter sixty-nine of the Revised Statutes and all provisions of law relating to giving notice of appointment and to the management of estates of adult persons under guardianship shall apply to such conservator.'

Approved April 2, 1915.