

MAINE STATE LEGISLATURE

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Acts and Resolves

As Passed by the

Seventy-Eighth Legislature

OF THE

STATE OF MAINE

1917

Including Acts and Resolves of the Special Session of the
Seventy-Seventh Legislature held in 1916.

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Seventy-Eighth Legislature

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duties, and they shall hold office until others are elected and qualified in their stead. If a director dies, resigns, or becomes disqualified for any cause, the remaining directors may elect a person to fill the vacancy until the next annual meeting of the corporation. The oath of office of any director shall be taken within thirty days of his election, or his office shall become vacant. The clerk of such company shall, within ten days, notify such directors of their election and within thirty days shall publish the list of all persons who have taken the oath of office as directors. The removal of any director from this state shall immediately vacate his office, if such removal leaves less than two-thirds of the membership resident in the state. The board of directors or executive board shall elect a president from its number, a clerk who shall be sworn to the faithful performance of his duties, a treasurer and such other officers, servants and employees as they may deem necessary. Any officer or employee of any trust company who shall wilfully or knowingly make any false return to the bank commissioner, in response to any call for information issued by the said commissioner, or by the deputy bank commissioner, or upon making or filing or any regular or special report, shall be subject to a penalty of a fine not exceeding five hundred dollars or by imprisonment not exceeding one year, or by both such fine and imprisonment.'

Approved February 24, 1917.

Chapter 7.

An Act to Amend Section Nineteen of Chapter Eighty of the Revised Statutes Relative to Title by Descent.

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

R. S., c. 80, § 19, relating to proceedings when husband or wife refuses to release interest in real estate, amended. Section nineteen of chapter eighty revised statutes is hereby amended by adding after the word "state," in the fourth line of said section, the words 'or if the owner is a resident of this state and the husband or wife is under guardianship' so that said section as amended shall read as follows:

'Sec. 19. Like proceedings when owner is resident of state and husband or wife is under guardianship. If the owner of real estate contracts to sell the same, and the husband or wife of the owner refuses to release his or her interest and right by descent, or if the owner is a non-resident and the husband or wife is incapacitated and has no guardian in this state or if the owner is a resident of this state and the husband or wife is under guardianship the owner may apply to a justice of the supreme judicial court or superior court, who, after such notice to the other party as he may order, and hearing, may, in his discretion, approve the sale and price, and order the owner to pay to the clerk of court, for such husband or wife of the owner, such sum as would amount to one-third of the price approved, if the owner has issue, and one-half if he has no issue, at the expiration of the owner's expectancy of life, computed at three per cent, compound interest. The clerk shall give a certificate of such approval by the court,

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and of the fact that said money has been paid as aforesaid, to be filed with the register of deeds in the county or registry district where the land lies, with the owner's deed thereof, and such register shall record the same; and thereafter such interest or right by descent in such real estate shall be barred. An assignee for the benefit of creditors, or in insolvency, or a trustee in bankruptcy, or any person holding title by levy or sale on execution may make application for proceedings under this section in relation to any real estate held by him in such capacity, to bar the interest and right by descent therein, of the husband or wife of the assignor, insolvent or bankrupt, or the interest and right by descent therein of the husband or wife of the judgment debtor.'

Approved February 24, 1917.

Chapter 8.

An Act to Amend Section Forty-five of Chapter Sixty-four of the Revised Statutes, Relating to the Care and Custody of Minors.

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

R. S. c. 64, § 45, relating to custody of minor children when parents live apart, amended. Section forty-five of chapter sixty-four of the revised statutes is hereby amended by inserting after the word "the" in the fourth line, the word 'exclusive' and is further amended by inserting after the word "minor", in the fifth line the words, or he may apportion the care and custody of the said minor, between the parents' so that said section as amended shall read as follows:

'**Sec. 45. Judge of probate may apportion care between parents, or may give one exclusive care.** If the father and mother of a minor child are living apart from each other, the judge of probate in the county where either resides, on petition of either, and after such notice to the other as he may order, may decree which parent shall have the exclusive care and custody of the person of such minor, or he may apportion the care and custody of the said minor between the parents, as the good of the child may require; which decree shall be in force until further order of the judge of probate. An appeal shall lie from such decree to the supreme court of probate, which appeal shall be heard and determined by the justice presiding, but the decree of the judge of probate shall be in force until reversed.'

Approved March 1, 1917.

Chapter 9.

An Act to Provide Whole Family Protection for Members of Fraternal Benefit Societies

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

Sec. 1. Payment of death benefits, by fraternal benefit societies, upon lives of children between ages of two and eighteen. Schedule of benefits