

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

AS PASSED BY THE

Eighty-first Legislature

OF THE

STATE OF MAINE

1923

Published by the Secretary of State, in accordance with the Resolves of the Legislature approved June 28, 1820, March 18, 1840, and March 16, 1842.

KENNEBEC JOURNAL PRINT SHOP
AUGUSTA, MAINE
1923

PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eighty-First Legislature

1923

[supplied from page 1 of volume]

may be in term time or vacation. Any justice of the supreme judicial court or of a superior court may set aside a verdict and grant a new trial in a civil case tried before him, when in his opinion the evidence demands it. But such verdict shall not be set aside by a single justice when two verdicts have been rendered against the applicant.

A motion to so set aside a verdict must be filed at the same term at which such verdict is rendered and shall be heard by the presiding justice either in term time or in vacation at his discretion; if such action is heard in term time the presiding justice may render his decision in vacation.'

Approved March 21, 1923.

Chapter 71.

An Act to Repeal Chapter One Hundred and Fifty-one of the Public Laws of Nineteen Hundred and Nineteen, Providing for the Collection of Agricultural Statistics by Assessors.

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

P. L., 1919, c. 151; relating to collection of agricultural statistics by assessors, repealed. Chapter one hundred and fifty-one of the public laws of nineteen hundred and nineteen is hereby repealed.

Approved March 21, 1923.

Chapter 72.

An Act to Repeal Chapter Fourteen of the Public Laws of Nineteen Hundred and Twenty-one, Relating to Protection of Deer in the Town of York.

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

P. L., 1921, c. 14; relating to protection of deer in town of York, repealed. Chapter fourteen of the public laws of nineteen hundred and twenty-one is hereby repealed.

Approved March 21, 1923.

Chapter 73.

An Act to Amend Section Seven of Chapter Ninety-five of the Revised Statutes, as Amended by Chapter Forty-seven of the Public Laws of Nineteen Hundred and Twenty-one, Relating to the Foreclosure of Mortgages.

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

R. S., c. 95, sec. 7; relating to redemption of mortgages of real estate, amended. Section seven of chapter ninety-five of the revised statutes, as

CHAP. 73

amended by chapter forty-seven of the public laws of nineteen hundred and twenty-one, is hereby amended by adding thereto the following words:

'The mortgagor and mortgagee may agree upon any period of time not less than one year in which the mortgage shall be forever foreclosed, which agreement shall be inserted in the mortgage and be binding on the parties, their heirs, legal representatives and assigns, and shall apply to all the modes of foreclosure of mortgages on real estate.

The mortgagor or those claiming under him shall have the right to redeem the mortgaged premises from any or all sales thereof under and by virtue of authority and power contained in such mortgage, or from any sale of the mortgaged premises under or by virtue of a separate instrument executed at or about the same time with the mortgage, and being a part of the same transaction, by paying or tendering to the mortgagee or to those claiming under him as appears by record at the registry of deeds where the mortgage is properly recorded, the debt, interest, costs of foreclosure and other obligations provided in the mortgage at any time within one year from the date of such sale. Nothing herein shall apply to railroad mortgages, so-called, or to bond issues of corporations, or to bonds forming a part of a mortgage indebtedness of any corporation or corporations wherein the method of sale is provided in the deed of trust or any similar instrument.

The acceptance before the expiration of the right of redemption and after the commencement of foreclosure proceedings of any mortgage of real property of anything of value to be applied on or to the mortgage indebtedness by the mortgagee or any person holding under him shall constitute a waiver of such foreclosure unless an agreement to the contrary in writing be signed by the person from whom the same is accepted. Except, however, the receipt of income from the mortgaged premises, by the mortgagee or his assigns while in possession thereof shall not constitute a waiver of the foreclosure proceedings of the mortgage on such premises,' so that said section seven, when amended, shall read as follows:

'Sec. 7. Mortgagor and mortgagee may agree on a foreclosure period; right to redeem on payment or tender to those holding record title; railroad mortgages and bond issues exempted from provisions; waiver of foreclosure. The mortgagor, or person claiming under him, may redeem the mortgaged premises within one year after the first publication, or the service of the notice mentioned in section five, and if not so redeemed, his right of redemption is forever foreclosed.

All proceedings for foreclosure of real estate mortgages which shall have been instituted at the time when this act takes effect, and under which

the period of redemption fixed by law shall not then have expired, shall be subject to the provisions of this act, and no affidavit shall be required to perfect foreclosure. All foreclosures of mortgages of real estate heretofore begun in which the affidavit required by chapter one hundred and ninety-two of the public laws of nineteen hundred and seventeen has been seasonably filed are hereby made valid as far as such affidavit may be necessary to perfect such foreclosure.

The mortgagor and mortgagee may agree upon any period of time not less than one year in which the mortgage shall be forever foreclosed, which agreement shall be inserted in the mortgage, and be binding on the parties, their heirs, legal representatives and assigns and shall apply to all the modes of the foreclosure of mortgages on real estate.

The mortgagor or those claiming under him shall have the right to redeem the mortgaged premises from any or all sales thereof under and by virtue of authority and power contained in such mortgage or from any sale of the mortgaged premises under or by virtue of a separate instrument executed at or about the same time with the mortgage, and being a part of the same transaction, by paying or tendering to the mortgagee or to those claiming under him as appears by record at the registry of deeds where the mortgage is properly recorded, the debt, interest, costs of foreclosure and other obligations provided in the mortgage at any time within one year from the date of such sale. Nothing herein shall apply to railroad mortgages, so-called, or to bond issues of corporations, or to bonds forming a part of a mortgage indebtedness of any corporation or corporations wherein the method of sale is provided in the deed of trust or any similar instrument.

The acceptance before the expiration of the right of redemption and after the commencement of foreclosure proceedings of any mortgage of real property of anything of value to be applied on or to the mortgage indebtedness by the mortgagee or any person holding under him shall constitute a waiver of such foreclosure unless an agreement to the contrary in writing be signed by the person from whom the same is accepted. Except, however, the receipt of income from the mortgaged premises, by the mortgagee or his assigns while in possession thereof shall not constitute a waiver of the foreclosure proceedings of the mortgage on such premises.'