

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-fourth Legislature

OF THE

STATE OF MAINE

1929

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 COMPANY
AUGUSTA, MAINE
1929

PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eighty-fourth Legislature

1929

[supplied from page 1 of volume]

Chapter 153.

An Act Relative to Probate Courts.

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

Sec. 1. R. S., c. 67, sec. 8; relating to probate judges may interchange duties, amended. Section eight of chapter sixty-seven of the revised statutes is hereby amended by inserting at the end thereof the following additional paragraph:

Judge shall be reimbursed by county in which court is held. 'When any judge of probate holds court, or a hearing in any probate matter, or in equity, in any county other than the one in which he resides, such judge shall be reimbursed by the county in which such court or hearing is held, for his expenses actually and reasonably incurred, upon presentation to the county commissioners of said county of a detailed statement of such expenses.'

Sec. 2. R. S., c. 67, sec. 17; relating to when judge or register is interested, amended. Section seventeen of chapter sixty-seven of the revised statutes is hereby amended by striking out the words "to an amount in either case of not less than one hundred dollars" in the fourth and fifth lines of said section so that said section as amended shall read as follows:

'Sec. 17. Limitation of amount removed. When a judge or register of probate is interested in his own right, trust, or in any other manner, or is within the degree of kindred, by which in law, he may, by possibility, be heir to any part of the estate of the person deceased, or is named as executor, trustee, or guardian of minor children, in the will of any deceased resident of the county, such estate shall be settled in the probate court of any adjoining county, which shall have as full jurisdiction thereof, as if the deceased had died therein. If his interest arises after jurisdiction of such estate has been regularly assumed, or existed at the time of his appointment to office, and in all cases where an executor, administrator, guardian or trustee, whose trust is not fully executed, becomes judge or register of probate for the county in which his letters were granted, further proceeding therein shall be transferred to the probate court in any adjoining county, and there remain till completed, as if such court had had original jurisdiction thereof, unless said disability is removed before that time. Whenever in any case within the provisions of this section, the disability of the judge or register is removed before the proceedings have been fully completed, the proceedings shall then be transferred to the probate court in the county of original jurisdiction or to the probate court which otherwise would have had jurisdiction; and in all such cases the register in such adjoining county shall transmit copies of all records relating to such

estate, to the probate office of the county where such estate belongs, to be there recorded.'

Sec. 3. R. S., c. 67, sec. 19; relating to oaths required, amended. Section nineteen of chapter sixty-seven of the revised statutes is hereby amended by striking out the words "or by any woman appointed by the governor, with the advice and consent of the council, to administer oaths in the state," in the eighth, ninth, and tenth lines thereof, so that said section as amended shall read as follows:

'Sec. 19. May be administered by the judge or register of probate, by any justice of the peace or notary public. All oaths required to be taken by executors, administrators, trustees or guardians, and all oaths required of commissioners of insolvency, appraisers and dividers of estates, or of any other persons in relation to any proceeding in the probate court, or to perpetuate the evidence of the publication of any order of notice, or of any notice of the time and place of sale of real estate by license of a judicial or probate court, may be administered by the judge or register of probate, by any justice of the peace, or notary public; and a certificate thereof, when taken out of court, shall be returned into the registry of probate, and there filed. When any person of whom such oath is required, including any person making an affidavit in support of a claim against an estate, resides temporarily or permanently without the state, the oath may be taken before a notary public without the state, a commissioner for the state of Maine, or a United States consul.'

Sec. 4. R. S., c. 67, sec. 32; P. L., 1919, c. 167; relating to filing of bond by appellant, amended. Section thirty-two of chapter sixty-seven of the revised statutes as amended by chapter one hundred and sixty-seven of the public laws of nineteen hundred and nineteen is hereby amended by striking out the words "for such sum and with such sureties as the judge approves," in the fourth line of said section as amended, and by inserting in place thereof the words 'with sufficient sureties, resident in the state, or with a surety company authorized to do business in the state as surety, in such sum as the judge approves,' so that said section as amended shall read as follows:

'Sec. 32. Bond required with sufficient sureties, resident in the state, or with authorized surety company. Within the time limited for claiming an appeal, the appellant shall file, in the probate office, his bond to the adverse party, or to the judge of probate for the benefit of the adverse party, with sufficient sureties, resident in the state, or with a surety company authorized to do business in the state as surety, in such sum as the judge approves; conditioned to prosecute his appeal with effect, and to pay all intervening costs and damages, and such costs as the supreme court

CHAP. 155

taxes against him, and he shall also file in the probate office the reasons of appeal; and, fourteen days at least before the sitting of the appellate court, he shall serve all the parties who appeared before the judge of probate on the case that have entered or caused to be entered their appearance in the docket of said court, with a copy of such reasons, attested by the register. When a party appears by an attorney residing in this state before the judge of probate in any case, and an appeal is taken, the service of a copy of the reasons of appeal upon such attorney shall be sufficient. In case of controversy between a person under guardianship and his guardian, the supreme court may sustain an appeal on the part of the ward without such bond.'

Approved March 28, 1929.

Chapter 154.

An Act Relating to Vacancies in Town Offices.

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

R. S., c. 4, sec. 30; relating to vacancies. Section thirty of chapter four of the revised statutes is hereby amended by striking out the words "the office of auditor and of road commissioner," in the third and fourth lines of said section, and inserting in place thereof the words 'as provided in sections fifteen, seventeen, and twenty-five of this chapter' so that said section as amended shall read as follows:

'Sec. 30. Town may choose officers to fill vacancies. When by reason of non-acceptance, death, removal, insanity, or other incompetency of a person chosen to a town office, except as provided in sections fifteen, seventeen, and twenty-five of this chapter, there is a vacancy, or want of officers, the town may choose new officers; and they shall be sworn, if an oath is required, and have the same powers as if elected at the annual meeting. The meeting for choice of such new officers may be called by the person or persons legally elected and qualified as selectman or selectmen although less than a full board.'

Approved March 28, 1929.

Chapter 155.

An Act Relating to Deductions From State School Fund.

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

P. L., 1921, c. 173, sec. 4; relating to state school fund, amended. Section four of chapter one hundred and seventy-three of the public laws of nineteen hundred and twenty-one is hereby amended by adding after the