

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-fourth Legislature

OF THE

STATE OF MAINE

1929

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eighty-fourth Legislature

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by the treasurer of state, who shall recover from the town of settlement, if any, of any such child, two-thirds of any such payments on account of said child. At the request of the parents or next friend of any dependent child under sixteen years of age who is without parent or grandparent of sufficient ability, or without other relatives able and willing to provide for its care, said request being approved by the municipal board of the city or town where the child is domiciled or by any duly incorporated children's institution or organization, the state board may make similar provision, without intervention of court, for the care of such child. No such child, nor the parents or grandparents of such child who are unable to provide for its care, shall be deemed paupers by reason of any care furnished to the child under the provisions of this act.'

Approved April 5, 1929.

Chapter 227.

An Act Relative to Order of Court Prohibiting Restraint of Wife Pending Libel.

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

R. S., c. 65, sec. 7; relating to court freeing wife from restraint pending libel, amended. Section seven of chapter sixty-five of the revised statutes is hereby amended by striking out all of said section and by substituting in place thereof the following:

'Sec. 7. Court may prohibit husband from imposing restraint. Pending a libel, the court, or any justice thereof in vacation, on petition of the wife, may prohibit the husband from imposing any restraint on her personal liberty; and enforce obedience by appropriate processes.'

Approved April 5, 1929.

Chapter 228.

An Act Relative to Sales of Real Estate by License of Probate Court.

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

Sec. 1. R. S., c. 76, sec. 1; P. L., 1917, c. 193; P. L., 1921, c. 139; P. L., 1923, c. 11; relating to sale, lease or exchange of real estate licensed by judge of probate, further amended. Section one of chapter seventy-six of the revised statutes, as amended by chapter one hundred and ninety-three of the public laws of nineteen hundred and seventeen, as amended by sections one and two of chapter one hundred and thirty-nine of the public laws of nineteen hundred and twenty-one, as amended by chapter eleven of the public laws of nineteen hundred and twenty-three, is hereby further amended by striking out the words "in the counties where the

applicants hereinafter named were appointed" in the first and second lines of said section, as amended, and by inserting in place thereof the words 'who have jurisdiction of the estate,' so that the introductory paragraph of said section, as amended, shall read as follows:

'Sec. 1. Judges who have jurisdiction of the estate may license the sale. Judges of probate who have jurisdiction of the estate may license the sale, lease or exchange of real estate and any interests therein, in whatever county situated, in the following cases, on application:'

Sec. 2. R. S., c. 76, sec. 3; as amended; relating to bond, further amended. Section three of chapter seventy-six of the revised statutes, as amended, is hereby further amended by inserting after the word "leases" in the second line of said section the word 'mortgages,' and by inserting after the word "sureties" in the fourth line of said section the words 'resident in the state,' and by inserting after the word "leasing" in the seventh line of said section the word 'mortgaging,' and by striking out the word "or" in the tenth line of said section and by inserting after the word "lease" in the eleventh line of said section the words 'or mortgage,' so that said section, as amended, shall read as follows:

'Sec. 3. Bond with sureties resident in the state; conditions. Persons licensed as aforesaid, before proceeding to make such sales, leases, mortgages or exchanges, except executors exempted therefrom by the provisions of section ten of chapter sixty-eight, shall give bond to the judge for a sum, and with sureties resident in the state, or with a surety company authorized to do business in the state, as surety, to his satisfaction, with the following conditions:

I. That they will observe all provisions of law for the sale, leasing, mortgaging or exchange of such real estate or interests therein, and use due diligence in executing the trust.

II. That they will truly apply and account for the proceeds of sale, lease or mortgage according to law.'

Sec. 3. R. S., c. 76, sec. 3A; P. L., 1917, c. 286; relating to bond, when conditions shall be deemed to have been performed, further amended. Section 3A of chapter seventy-six of the revised statutes, as amended by chapter two hundred and eighty-six of the public laws of nineteen hundred and seventeen, is hereby further amended by striking out the whole of said section and by substituting therefor the following:

'Sec. 3A. When conditions shall be deemed to have been performed. Persons licensed as aforesaid shall be deemed to have performed the conditions of the aforesaid bond when they have complied with all its terms and conditions and shall have charged themselves with the amount received

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from the sale, lease or mortgage of said real estate in an account duly filed and allowed by the judge of probate in and for the county having jurisdiction of the estate, which account must be filed within one year from the sale, lease or mortgage of the said real estate, and shall have given an additional bond to the said judge of probate, if required by him, to cover the balance of property found in their hands upon the settlement of said account, unless the bond of such person is exempted by the provisions of sections ten and twenty of chapter seventy-six of the revised statutes; and thereafter said persons shall be liable on said bond or bonds for the amount so received from the sale of said real estate as shown in said account.'

Approved April 5, 1929.

Chapter 229.

An Act Relative to Sale of Intoxicating Liquors, Definition.

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

R. S., c. 127, secs. 18 and 21; P. L., 1919, c. 235; P. L., 1923, c. 188; P. L., 1925, c. 77, sec. 2; P. L., 1927, c. 127; relating to sale of intoxicating liquors, further amended. Sections eighteen and twenty-one of chapter one hundred and twenty-seven of the revised statutes, as amended by chapter two hundred and thirty-five of the public laws of nineteen hundred and nineteen, as amended by chapter one hundred and eighty-eight of the public laws of nineteen hundred and twenty-three, as amended by section two of chapter seventy-seven of the public laws of nineteen hundred and twenty-five, as amended by chapter one hundred and twenty-seven of the public laws of nineteen hundred and twenty-seven, is hereby further amended by striking out all of said sections eighteen and twenty-one, as amended, and by inserting in place thereof the following:

'Sec. 18. Sale of cider treated to prevent fermentation permitted. No person shall at any time, by himself, his clerk, servant, or agent, directly or indirectly, sell any intoxicating liquors, of whatever origin; wine, ale, porter, strong beer, lager beer, and all other malt liquors and cider, except new cider which shall have not so far advanced in the natural process of fermentation as to contain more than one-half of one per cent of alcohol by volume, and cider which has been so treated as to prevent fermentation and which does not contain one-half of one per cent of alcohol by volume, and cider sold to manufacturers of vinegar to be used in the manufacture of vinegar, and for no other purpose and all distilled spirits, as well as any beverage containing one-half of one per cent of alcohol by volume, are declared intoxicating within the meaning of this chapter; but this enumera-