

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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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-

tion shall not prevent any other pure or mixed liquors from being considered intoxicating.'

Approved April 5, 1929.

Chapter 230.

An Act Relative to Affidavits of Plaintiffs in Actions on Account Annexed.

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

R. S., c. 87, sec. 127; P. L., 1925, c. 96; relating to affidavit of plaintiff prima facie evidence; further amended. Section one hundred and twenty-seven of chapter eighty-seven of the revised statutes, as amended by chapter ninety-six of the public laws of nineteen hundred and twenty-five, is hereby further amended by adding after the word "deputy" in the thirteenth line of said section, as amended, the words 'or assistant,' so that said section, as amended, shall read as follows:

'Sec. 127. Signature certified by a clerk of a court of record, a deputy or assistant clerk. In all actions brought on an itemized account annexed to the writ, the affidavit of the plaintiff, made before a notary public using a seal, that the account on which the action is brought is a true statement of the indebtedness existing between the parties to the suit with all proper credits given, and that the prices or items charged therein are just and reasonable, shall be prima facie evidence of the truth of the statement made in such affidavit, and shall entitle the plaintiff to the judgment, unless rebutted by competent and sufficient evidence. When the plaintiff is a corporation, the affidavit may be made by its president, secretary or treasurer. If the said affidavit be made before a notary public using a seal without the state, his authority as a notary public to act and to administer an oath shall be certified thereto and the genuineness of his signature certified by a clerk of a court of record or by a deputy or assistant clerk of the same and have the seal of said court attached thereto.'

Approved April 5, 1929.

Chapter 231.

An Act Relative to Executors and Administrators.

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

Sec. 1. R. S., c. 68, sec. 24; relating to removal of executors or administrators, amended. Section twenty-four of chapter sixty-eight of the revised statutes is hereby amended by striking out the word "cited" in the second line of said section and by inserting in place thereof the word 'ordered' and by adding at the end of said section the following sentence: