

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-sixth and Eighty-seventh
Legislatures

OF THE

STATE OF MAINE

From April 1, 1933, to April 6, 1935

AND MISCELLANEOUS STATE PAPERS

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eighty-Seventh Legislature

1935

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damages awarded such owner and the same shall be paid within 30 days after said return, by the state, city or town whose officials have authorized the construction or erection of such guards or fences.

In case the owner of such property is aggrieved with the award of damages so made, or with any part of such decrees, within 20 days after the filing of said return, he may take an appeal therefrom by filing in the superior court in the county where such guard or fence is located a petition requesting a new award or assessment of damages, and the court, after ordering such notice as it sees fit, shall thereupon determine the amount of damages sustained by said owners; and make any other change in the decree deemed proper; an appeal to the superior court vacates the original award.

If said officials determine that such fences are to remain for the winter season only, and not permanently, then the same shall be erected not before the 15th day of November nor remain occupying such private property later than April 1st next following; particular regard shall be exercised in the location of said fences so that the owners of private property shall be incommoded as to view and otherwise to as small a degree as possible.'

'Sec. 61. Ways acceptable for snow removal. No way shall be acceptable for snow removal work the width of which is less than 14 feet measured between the outside edges of the two shoulders of the road.'

Approved April 5, 1935.

Chapter 150.

AN ACT Relating to the Conveyance of Property for Support.

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

Sec. 1. R. S., c. 123, additional. Section 1 of chapter 123 of the revised statutes is hereby amended by adding thereto a new sub-section numbered VII, so that said section 1 when so amended shall read as follows:

'Sec. 1. Cases in which promise must be in writing; consideration need not be expressed therein. No action shall be maintained in any of the following cases:

I. To charge an executor or administrator upon any special promise to another to answer damages out of his own estate;

II. To charge any person upon any special promise to answer for the debt, default or misdoings of another;

III. To charge any person upon any agreement made in consideration of marriage;

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IV. Upon any contract for the sale of lands, tenements, or hereditaments, or of any interest in or concerning them;

V. Upon any agreement that is not to be performed within one year from the making thereof;

VI. Upon any contract to pay a debt after a discharge therefrom under the bankrupt laws of the United States, or assignment or insolvent laws of this state;

VII. Upon any agreement to give, bequeath or devise by will to another, any property, real, personal or mixed; unless the promise, contract, or agreement, on which such action is brought, or some memorandum or note thereof, is in writing and signed by the party to be charged therewith, or by some person thereunto lawfully authorized; but the consideration thereof need not be expressed therein, and may be proved otherwise; provided that the provisions of sub-section VII shall not apply to any such agreement made prior to July 1, 1935.'

Approved April 5, 1935.

Chapter 151.

AN ACT Relating to Cities and Towns Refunding Indebtedness.

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

R. S., c. 5, § 83, amended. Section 83 of chapter 5 of the revised statutes is hereby amended to read as follows:

'Sec. 83. Cities and towns may refund indebtedness; temporary loan; securities, when due and payable. Cities and towns may issue and negotiate their notes, bonds, or scrip for any purpose for which the city or town can raise money or incur debt, and also for the purpose of refunding or paying in whole or in part, any indebtedness thereof, which has or may hereafter become due, and for any purpose for which the city or town can raise money or incur debt, and including money borrowed in anticipation of taxes whether overdue or not yet due. No note, bond or scrip duly authorized at a legal town meeting and issued for the purpose of refunding notes, bonds, or scrip or other purported indebtedness theretofore outstanding shall be invalid by reason of any invalidity in the original borrowing.

Provided, however, that nothing herein contained shall be construed to validate the borrowings of a city or town beyond its constitutional debt limit.

Cities and towns may issue and negotiate their notes, to an amount which shall not exceed in the aggregate the total tax levy of the preceding municipi-