

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES  
AS PASSED BY THE  
Ninetieth and Ninety-first  
Legislatures  
OF THE  
STATE OF MAINE  
From April 26, 1941 to April 9, 1943  
AND MISCELLANEOUS STATE PAPERS

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Published by the Revisor of Statutes in accordance  
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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

As Passed by the Ninety-first Legislature

**1943**

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## CHAP. 3

case requires for the custody of the plaintiff in error, or for letting him to bail; and when issued by the court, it shall be returnable thereto; but when issued by a justice thereof in vacation, it may be returnable before a justice of said court, and be heard and determined by him, or returnable to said court; or upon a writ of habeas corpus, if entitled thereto, he may procure his enlargement by giving bail.'

Effective July 9, 1943

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## Chapter 3

### AN ACT Relating to Probation in Criminal Cases.

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

R. S., c. 147, § 14, amended. Section 14 of chapter 147 of the revised statutes, as amended by chapter 87 of the public laws of 1935 and as amended by chapter 43 of the public laws of 1937, is hereby further amended to read as follows:

'Sec. 14. Court may suspend sentence and place respondent on probation; violation of terms of probation; sentence may be imposed in vacation. The court may in its discretion, if the offense is within the jurisdiction of the court trying the cause, **continue for sentence**, suspend sentence for a definite period of time, or for an indefinite time not exceeding ~~one~~ 2 years, and such respondent may be committed to the custody and control of the probation officer.

In all cases where the respondent is committed to the custody or control of the probation officer, the court shall **fix the period of time of such probation and the terms and conditions thereof**, and shall give to each respondent a writing showing the terms of his probation and the times and places when and where such respondent is to report to such probation officer. ~~And if at any time any~~ Whenever such respondent violates the terms of his probation, the probation officer shall forthwith report the same to the court which finally tried the cause, ~~and the court may thereupon decree said probation ended, and either impose the sentence, if the cause has been continued for sentence, or in all other cases order the respondent to forthwith comply with the original sentence; and in all cases where the sentence has not been imposed, the court may forthwith impose sentence. The probation officer may bring any such respondent who has violated the terms of his probation before the court which finally tried the cause, in vacation, and any justice of said court upon being satisfied of the facts, may order the respondent to forthwith comply with the~~

original sentence. If the cause had been continued for sentence, the justice of said court may, either in term or in vacation, impose sentence, or to any justice of said court in vacation. The respondent may at any time be brought by the probation officer before said court or any justice thereof in vacation, and the said court or said justice thereof in vacation, cause being shown, may order said probation ended and either impose the sentence if the cause has been continued for sentence, or order the respondent forthwith to comply with the original sentence, or if it shall be made to appear to the satisfaction of said court, or to any justice thereof in vacation, as the case may be, that the ends of justice and the best interests of the public, as well as the respondent, will be subserved thereby, may order that probation be ended and that the respondent be allowed to go without day.'

Effective July 9, 1943

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## Chapter 4

### AN ACT Relating to Sale of Lands of Deceased Persons.

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

Sec. 1. R. S., c. 89, § 1, sub-§ I, amended. Subsection I of section 1 of chapter 89 of the revised statutes is hereby amended to read as follows:

'I. If he leaves a widow and issue,  $\frac{1}{3}$  to the widow. If no issue,  $\frac{1}{2}$  to the widow. And if no kindred, the whole to the widow. And to the widower shall descend the same shares in his wife's real estate. There shall likewise descend to the widow or widower the same share in all such real estate of which the deceased was seized during coverture, and which has not been barred or released as herein provided. In any event,  $\frac{1}{3}$  shall descend to the widow or widower free from payment of debts, except as provided in section 21 of chapter 85, as amended.'

Sec. 2. R. S., c. 85, § 21, amended. Section 21 of chapter 85 of the revised statutes is hereby amended to read as follows:

'Sec. 21. What estate of deceased is liable to sale; effect of deed. Lands, of which the deceased died seized in fee simple or fee tail, general or special, and all that he had fraudulently conveyed, or of which he was colorably disseized to defraud creditors, are liable to sale for payment of debts, under any license granted under this chapter; and any deed, executed and recorded in due form of law, for adequate consideration, in pursuance of such license, is effectual to pass to the purchaser all the estate, right, title and interest in the granted premises, which the deceased, ~~the ward, or~~