

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
AS PASSED BY THE
Ninety-first and Ninety-second
Legislatures
OF THE
STATE OF MAINE

From April 10, 1943 to April 21, 1945
AND MISCELLANEOUS STATE PAPERS
From April 10, 1943 to May 24, 1945

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Ninety-second Legislature

1945

Sec. 2. P. & S. L., 1939, c. 8, Article XI, § 2, amended. Section 2 of Article XI of chapter 8 of the private and special laws of 1939 is hereby amended to read as follows:

'Sec. 2. **Appointment of members.** The commission as constituted when this charter takes effect shall be and continue as the commission herein established, the members thereof to serve in accordance with their respective appointments without interruption and as the terms of the members thereof shall expire, the ~~governor with the advice and consent of the council~~ mayor shall appoint their successors for the term of 6 years. In the event of a vacancy in the commission, the ~~governor~~ mayor shall in like manner appoint a successor for the unexpired term. The members of the commission shall be appointed from the 2 political parties casting the highest number of votes for governor in the last preceding state election.'

Sec. 3. **Referendum.** This act shall take effect 90 days after the adjournment of this legislature only for the purpose of permitting its submission to the legal voters of the city of Lewiston at the next annual election to be held on the 3rd Monday of February, 1946. For the purposes of such election, the city clerk shall reduce the subject matter to the following question: "Shall 'An Act Relating to Appointment of Police Commission for City of Lewiston' passed by the 92nd legislature be approved?", and the voters shall indicate by a cross, placed within a square upon their ballots, over the words "Yes" or "No" their opinion of the same. This act shall take effect for all the purposes of this act immediately upon the acceptance of this act at the above election. The result of the vote shall be declared by the municipal officers and certificate thereof filed by the city clerk with the secretary of state.

Effective July 21, 1945

Chapter 132

AN ACT Relating to Relief During the Emergency for Businesses in Financial Distress Because of Wartime Conditions.

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

Sec. 1. **Business to which applicable.** This act shall be applicable to seasonal resort properties which are subject to mortgage and which were owned by members of the armed forces of the United States, or which are owned by partnerships, corporations or fiduciaries, more than 50% interest of which is owned by a member or members of the armed forces of the

United States and which have lost their earning power by reason of the war effort and its resultant restrictions and abnormal conditions, and only with respect to such said properties as consist of real estate, including improvements and furnishings. The provisions of this act shall also be applicable to the collection of taxes assessed on said properties found in need of the relief herein provided.

Sec. 2. Method of obtaining relief; courts granted equity jurisdiction; hearing and decree; stay of foreclosures and forced sales. The owner of any mortgaged property coming within the provisions of section 1 of this act may bring a bill in equity, filed in the clerk's office of the county where the property is located, in either the supreme judicial court or the superior court, therein alleging the facts pertinent to bring him within said provisions, and which are causing him, and within reasonable probability will continue to cause him, in his said business financial distress beyond his control to relieve, attributable to war and its resultant restrictions and abnormal conditions, and praying for relief as hereinafter provided. The supreme judicial court and the superior court shall have and exercise concurrent original jurisdiction in all cases and proceedings hereunder; and any cause herein provided originating in either court, or any proceedings therein, may be heard and determined by a justice of the supreme judicial court or the superior court as though the cause originated in the court of which such justice is a member, sitting in term time or vacation, and in the same manner and with as full power as is given by statute according to the usage and practice in courts of equity. If the petitioner, after hearing, establishes the fact that said business is, and within reasonable probability will continue to be, in financial distress, beyond the control of the petitioner to relieve, attributable to war and its resultant restrictions and abnormal conditions, and that the emergency provisions of this act are pertinent to his case to entitle him to relief, the court may decide the cause and enter an appropriate decree, and thereupon shall forthwith be stayed and continued with respect to the party or parties defendant and to the property involved any foreclosure proceedings or forced sale or power of sale agreement of said property or payment on the principal indebtedness or interest thereon, except as the court shall otherwise decree; also as to any municipality defendant in said cause, the court may order and decree a stay and suspension of the collection of any tax assessed by such municipality on the person or property in relief. In its determination of any cause hereunder, the court may ascertain the reasonable value of the income of the property involved, or if it has no income, its reasonable rental value, and may require by appropriate order or decree the payment of all or a reasonable part of such income or rental value in or toward the payment of taxes, insurance, principal or interest indebtedness, at such

times, and in such manner and proportion as the court deems equitable. No decree shall extend beyond the duration of the present national emergency as declared by the president. One or more mortgagees and municipalities may be joined in the same cause of action. This act shall apply only to property which was under mortgage on the effective date of this act.

Sec. 3. Relief may be denied for negligence; municipalities not liable for failure to collect tax on persons or property in relief. Relief may be denied with respect to any property which has suffered substantial damage or deterioration as the result of negligence on the part of the owner, and a review may be ordered and any decree may be modified or vacated whenever waste, failure to maintain adequate insurance against loss, or other conditions are shown to endanger the value of the security involved. During the period covered by any restraining order or decree, a municipality shall not be doomed or held liable for failure to collect and transmit any state or county tax committed to it and assessed on the person or property in relief, except in so far as the municipality has received payment of the same. When the provisions of this act are invoked, the statute of limitations, and other legal bars or remedies, applicable, shall be tolled for the period covered by the restraining decree. The words "mortgagor", "owner", and "person" shall include individuals, partnerships, corporations, and fiduciaries.

Sec. 4. Severability. If any of the provisions of this act or the application thereof to any persons or circumstances is held invalid, such invalidity shall not affect any other provisions or application of this act which can be given effect without the invalid provisions or application; and to this end the provisions of this act are declared to be severable.

Sec. 5. Duration of act. This act shall remain in force and effect only until September 1, 1947 when it shall become null and void.

Effective July 21, 1945

Chapter 133

AN ACT for the Assessment of a State Tax for the Year Nineteen Hundred Forty-five and for the Year Nineteen Hundred Forty-six.

Emergency preamble. Whereas, all taxes upon real and personal property in this state are assessed as of April 1, and in the greater portion of the municipalities the assessments are completed during the months of April and May in each year, and