

MAINE STATE LEGISLATURE

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

From April 22, 1945 to May 14, 1947
AND MISCELLANEOUS STATE PAPERS
From May 25, 1945 to May 14, 1947

Published by the Revisor of Statutes in accordance
with Chapter 10 of the Revised Statutes of 1944.

KENNEBEC JOURNAL
AUGUSTA, MAINE
1947

PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Ninety-third Legislature

1947

Chapter 7

AN ACT Relating to Trustee Process Against Banks.

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

R. S., c. 101, § 5, amended. Section 5 of chapter 101 of the revised statutes, as amended by chapter 131 of the public laws of 1945, is hereby further amended to read as follows:

'Sec. 5. County in which action must be brought; libel for divorce. If all the trustees live in the same county, the action shall be brought there; if they reside in different counties, in any county in which one of them resides; and in a trustee process against a corporation, its residence shall be deemed to be in the county in which it has its established or usual place of business, held its last annual meeting, or usually holds its meetings; except in a suit in which a railroad corporation is named and alleged as trustee, the action may be brought in any county in which said railroad corporation runs and operates its road; except in a suit in which a banking institution is named and alleged as trustee, the action may be brought in any county in which said banking institution maintains a place of business. Service may be made on the manager of such banking institution in the county having jurisdiction over the parties named in the action.

Provided, however, that when a libel for divorce is inserted in a trustee writ, the action must be brought in the county in which the court has jurisdiction over the parties named in the libel, and the alleged trustee, although residing in another county, may be summoned to appear in the county in which said court has jurisdiction over the parties named in the libel, and must answer and make disclosure in such county; and the court sitting therein shall have full power and authority to award from the funds found to be held by the alleged trustee and belonging to the libelee, such sum or sums as it may deem proper as an award for alimony or in lieu thereof.'

Effective August 13, 1947

Chapter 8

AN ACT Relating to Change of Purposes of Corporations Without Capital Stock.

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

R. S., c. 50, § 7-A, additional. Chapter 50 of the revised statutes is hereby amended by adding thereto a new section to be numbered 7-A, to read as follows:

'Sec. 7-A. Change of purposes. Any corporation organized without capital stock may change its purposes at a legal meeting of its directors, trustees, or managing board, however designated, in the manner, with the effect and subject to the provisions contained in section 71 of chapter 49.'

Effective August 13, 1947

Chapter 9

AN ACT Providing for the Reappointment of Active Retired Justices.

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

R. S., c. 94, § 4, amended. Section 4 of chapter 94 of the revised statutes, as amended by section 1 of chapter 121 of the public laws of 1945, is hereby further amended to read as follows:

'Sec. 4. Active retired justices of superior court. Any justice of the superior court who having attained the age of 70 years and having served as such justice on either or both the supreme judicial court or the superior court for at least 7 consecutive years resigns his said office, or ceases to serve at the expiration of any term thereof, shall be eligible for appointment as an active retired justice of the superior court as hereinafter provided. The governor with the advice and consent of the council may, upon being notified of the retirement of any such justice under the provisions of this section, appoint such justice to be an active retired justice of the superior court for a term of 7 years from such appointment, unless sooner removed, and such justice may be reappointed for a like term, and such justice so appointed and designated shall thereupon constitute a part of the court from which he has retired and shall have the same jurisdiction and be subject to the same restrictions therein as before retirement, except that he shall act only in such cases and matters and hold court only at such terms and times as he may be directed and assigned to by the chief justice of the supreme judicial court. Any active retired justice of the superior court may be directed by the chief justice to hold any term of the superior court in any county and when so directed shall have authority and jurisdiction therein the same as if he were the regular justice of said court; and whenever the chief justice of the supreme judicial court so orders, may hear all matters and issue all orders, notices, decrees, and judgments in vacation that any justice of said superior court is authorized to hear and issue.

The provisions of this section shall apply to the present and former justices of said court. Provided, however, that such ~~justice~~ justices shall within 2 years after attaining the age of 70 years, and serving as such justice for at least 7 consecutive years, cease to serve as such justice.'

Effective August 13, 1947