

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

shall include a person, company, society, association, firm or corporation; and the term "employment agency" shall include the business of keeping an intelligence office, employment bureau or other agency for procuring work or employment for persons seeking employment, or for acting as agent for procuring such work or employment, where a fee or other valuable thing is exacted, charged or received, or for procuring or assisting to procure employment, work, or situation of any kind or for procuring or providing for any person; but said sections shall not apply to the employment of seamen, nor to teachers' agencies, nor to nurses' associations, nor charitable institutions.'

Effective August 13, 1947

Chapter 63

AN ACT Relating to Inspection of Motor Vehicles.

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

R. S., c. 19, § 35, amended. The 5th paragraph of section 35 of chapter 19 of the revised statutes is hereby repealed and the following enacted in place thereof:

'No dealer in new or used motor vehicles shall permit any such vehicle owned or controlled by him to be released for operation upon the highways until it has been inspected as herein provided and a proper sticker certifying such inspection placed thereon. If such vehicle bears thereon a certificate showing a prior inspection, the same shall be removed. The provisions of this paragraph shall not apply to sale of vehicles as junk or to those which are to be repaired and put into condition so as to pass inspection by the purchaser thereof.'

Effective August 13, 1947

Chapter 64

AN ACT Relating to Proceedings to Bar Action on Undischarged Real Estate Mortgages.

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

Sec. 1. R. S., c. 163, § 35, amended. Section 35 of chapter 163 of the revised statutes is hereby amended to read as follows:

'Sec. 35. Proceedings to bar action on undischarged mortgage. When

the record title of real estate is encumbered by an undischarged mortgage, and the mortgagor and those having his estate in the premises have been in uninterrupted possession of such real estate for 20 years after the expiration of the time limited in the mortgage for the full performance of the conditions thereof; he or they, or any person having a freehold estate, vested or contingent in possession, reversion, or remainder, in the land originally subject to the mortgage or in any undivided or any aliquot part thereof, or any interest therein which may eventually become a freehold estate, or any person who has conveyed such land or any such interest therein with covenants of title or warranty, may apply to the superior court, or any justice of the superior court in vacation, in the county where the whole or any part of the mortgaged premises is situated, by petition setting forth the facts, and asking for a decree as hereinafter provided; and if after notice to all persons interested as provided in section 38, no evidence is offered of any payment within said 20 years or of any other act within said time, in recognition of its existence as a valid mortgage, the superior court or any justice of the superior court in vacation upon hearing may enter a decree setting forth such facts and its findings in relation thereto, which decree shall within 30 days be recorded in the registry of deeds where the mortgage is recorded; and thereafter no action at law or proceeding in equity shall be brought by any person to enforce a title under said mortgage.'

Sec. 2. R. S., c. 163, § 37, amended. Section 37 of chapter 163 of the revised statutes is hereby amended to read as follows:

'Sec. 37. Proceedings to bar action on undischarged mortgage given to secure against some contingent liability. When the mortgagor of such an undischarged mortgage and those having his estate in the premises have been in uninterrupted possession of such real estate for 20 years from the date thereof, and it shall appear that such mortgage was not given to secure the payment of a sum of money or a debt, but to secure the mortgagee against some contingent liability assumed or undertaken by him, and that such conditional liability has ceased to exist and that the interests of no person will be prejudiced by the discharge of such mortgage, the mortgagor or those having his estate in the premises, or any of the persons to whom a similar remedy is granted in section 35 may apply to the superior court, or any justice of the superior court in vacation, in the county where the whole or any part of the mortgaged premises is situated, by petition setting forth the facts and asking for a decree as hereinafter provided; and if after notice to all persons interested as provided in the following section, and upon hearing it shall appear that the liability on account of which such mortgage was given has ceased to exist and that such mortgage ought to be discharged, the superior court, or any jus-

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tice of the superior court in vacation, may enter a decree setting forth the facts proved and its findings in relation thereto, which decree shall within 30 days be recorded in the registry of deeds where the mortgage is recorded; and thereafter no action or proceeding in equity shall be brought to enforce a title under said mortgage.'

Sec. 3. R. S., c. 163, § 38, amended. Section 38 of chapter 163 of the revised statutes is hereby amended to read as follows:

'Sec. 38. Description of unknown mortgagees; service of petition. When it is alleged under oath in the petition that the mortgagees or persons claiming under them are unknown or that their names are unknown, they may be described generally as claiming by, through, or under some person or persons named in the petition. Personal service by copy of the petition and order of notice shall be made upon all known respondents residing in the state, 14 days before the return day, or if such petition is brought before a justice of the superior court in vacation, 14 days before the date of hearing; and upon all other respondents, service may be made by personal service of copy of the petition and order of notice; by publication for such length of time, in such newspapers or by posting in such public places as the court may direct; or in any or all of these ways at the discretion of the court.'

Effective August 13, 1947

Chapter 65

AN ACT Relating to Disposition of Uncollectible Accounts Due the State.

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

R. S., c. 14, § 30, amended. Section 30 of chapter 14 of the revised statutes is hereby amended to read as follows:

'Sec. 30. Charging off of accounts due the state. The controller shall charge off the books of account of the state or of any department, institution, or agency thereof, such accounts receivable, including all taxes for the assessment or collection of which the state is responsible, and all impounded bank accounts, as shall be certified to him as impractical of realization by or for said state, department, institution, or agency; said certification to be by the commissioner of finance ~~and state auditor and treasurer of state~~ and subject to the approval of the governor and council; provided, however, that in each such case, the charging off of such accounts shall be recommended by the head of the department, institution, or agency originally responsible for such account.'

Effective August 13, 1947