

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

Ninety-ninth Legislature

OF THE

# STATE OF MAINE

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The accused person may then be arraigned upon said information at such time as the court, or any justice of the Superior Court thereof in vacation, may designate, whether in term time or vacation.

The court which binds over an accused person ~~will~~ shall notify him of his right to apply for waiver of indictment and prompt arraignment ~~as aforesaid~~.

~~If the county attorney or the assistant county attorney desires~~ The prosecuting officer upon investigation may elect to charge the accused person with ~~an~~ another offense or offenses not punishable by life imprisonment, and not ~~con-~~tained alleged in the complaint upon which such accused person has been so bound over, in which event he may, before consenting to proceedings by information, prepare and sign an information or informations under oath setting forth such other offense or offenses, which may be either felonies or misdemeanors, and file the same with the clerk of courts and cause the accused to be served with an attested copy thereof in order that the accused may have an opportunity to waive indictment upon such other offense or offenses, and an affidavit of such waiver by the accused shall be presented to the court, or any justice of the Superior Court thereof in vacation, and be recorded, whereupon the case may be handled as hereinbefore provided in this section.

The Superior Court shall, by rule, establish forms and petitions to waive indictment ~~hereunder~~, and may, by rule, make such other regulations or procedure ~~hereunder~~ as justice may require.'

Effective September 12, 1959

## Chapter 210

### AN ACT Relating to Inheritance Taxation of Jointly Owned Property.

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

Sec. 1. R. S., c. 155, § 2, sub-§ I, ¶ D, amended. Paragraph D of subsection I of section 2 of chapter 155 of the Revised Statutes, as enacted by section 2 of chapter 430 of the public laws of 1955, is amended to read as follows:

'D. By survivorship in any form of joint ownership, other than joint bank deposits and joint building and loan shares, ~~whenever created, on or after the effective date of this act~~ the value of decedent's interest in such joint ownership to be determined for the purpose of this chapter as provided by section 10-A.'

Sec. 2. R. S., c. 155, § 10-A, amended. Section 10-A of chapter 155 of the Revised Statutes, as enacted by section 3 of chapter 430 of the public laws of 1955, is amended to read as follows:

'Sec. 10-A. Value of share of joint owner. If the decedent, at the time of his death, shall be the co-owner of any form of property, other than joint bank deposits or joint building and loan shares, in any form of joint ownership, ~~whenever created on or after the effective date of this act~~, the value of such joint ownership shall be determined by dividing the whole value of the property by

the number of co-owners, regardless of the amount, if any, contributed by any individual co-owner.'

**Sec. 3. Effective date.** This act shall apply to estates of decedents dying on or after its effective date.

Effective September 12, 1959

## Chapter 211

### AN ACT Relating to Mortgages for Future Advances.

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

R. S., c. 59, § 19-H, sub-§ I, ¶ F, sub-¶ 2, repealed and replaced. Subparagraph 2 of paragraph F of subsection I of section 19-H of chapter 59 of the Revised Statutes, as enacted by section 1 of chapter 380 of the public laws of 1955, is repealed and the following enacted in place thereof:

'2. The priority of such debts, obligations and future advances shall not include any future optional advances secured by such mortgage made by such bank after any such person, in addition to acquiring such subsequent right or lien, sends the bank by registered mail or delivers to an officer of the bank and secures a receipt therefor express written notice stating that any such optional advances thereafter made will be junior to such person's mortgage or lien upon or rights in such real estate.

'Future advances" referred to in this paragraph F shall include only those made to recipients designated in the mortgage.'

Effective September 12, 1959

## Chapter 212

### AN ACT Relating to Expenditures from Aeronautical Fund.

**Emergency preamble.** Whereas, acts and resolves passed by the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the said 90-day period will not terminate until after the beginning of the next fiscal year; and

Whereas, the following legislation is necessary to permit the Aeronautics Commission to initiate a program for the development and promotion of aviation during the spring of 1959; and

Whereas, the existing statutes do not clearly provide for these functions; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legis-