

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

One Hundredth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS  
OF THE  
STATE OF MAINE

As Passed by the One Hundredth Legislature

1961

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## Chapter 317

### AN ACT Amending Certain Statutes to Conform to Rules of Civil Procedure.

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

**Sec. 1. R. S., c. 12, § 4-A, amended.** Section 4-A of chapter 12 of the Revised Statutes, as enacted by section 1-A of chapter 435 of the public laws of 1955, is amended to read as follows:

**'Sec. 4-A. Rules and regulations.** The director shall make, amend or rescind, after public hearing thereon, notice of which has been duly advertised in the state paper, reasonable rules and regulations to carry out ~~the provisions of this chapter.~~

Such rules and regulations shall become effective when approved in writing by the Governor and Council and when a certified copy thereof has been filed with the Secretary of State. Any person aggrieved by any such rule or regulation ~~or the reasonableness of same,~~ or any act or order of the director in enforcing any such rule or regulation, may appeal ~~to a Justice of by filing in the Superior Court by presenting to him a petition therefor in term time or vacation~~ **complaint within 30 days, and he the court shall fix a time and place of hearing which may be in the chambers or in vacation and cause notice thereof to be given to the director and, after the hearing, the justice court may affirm or reverse the rule, regulation, act or order of the director and the decision of such justice the court shall be final.'**

**Sec. 2. R. S., c. 12, § 7, amended.** The last 2 paragraphs of section 7 of chapter 12 of the Revised Statutes are amended to read as follows:

**'Any owner of property of which possession has been taken under ~~the provisions of this section to whom no award has been made or who is dissatisfied with the amount awarded him as compensation may file a petition~~ bring an action in the Superior Court in the county in which he lives or has a usual place of business or in the County of Kennebec to have the amount to which he is entitled by way of damages determined. The ~~petitioner~~ plaintiff may make such claim in such a manner as may be provided bring such action within 6 years after the date when possession of the property was taken under the provisions of this section, except that if the owner of the property is in the military service of the United States at any time during which he should otherwise have filed his petition brought his action, he may file bring the same within 6 years after his discharge from the said military service. The ~~petitioner~~ plaintiff and the State shall severally have the right to have such damages assessed by a jury.**

In the event, by reason of the death of the owner of property seized under ~~the provisions of this section, he is unable to file his petition or to bring or to continue the action provided for herein, such petition may be filed or the action may be brought or continued by his executor or administrator, as the case may be.'~~

**Sec. 3. R. S., c. 16, § 68, amended.** The last sentence of section 68 of chapter 16 of the Revised Statutes is amended to read as follows:

**'Such expenses shall be reported to the Legislature by the State Tax Assessor and shall be added to the amount of the next state tax levied against such**

## PUBLIC LAWS, 1961

## CHAP. 317

town, or may be recovered in ~~an~~ a civil action ~~of debt~~ against such town in the name of the Treasurer of State.'

**Sec. 4. R. S., c. 16, § 93, amended.** Section 93 of chapter 16 of the Revised Statutes, as amended by section 8 of chapter 397 and by section 20 of chapter 429, both of the public laws of 1957, is further amended to read as follows:

'Sec. 93. State Tax Assessor may bring action to recover taxes. The State Tax Assessor may bring ~~an~~ a civil action ~~of debt~~ in his own name to enforce the lien on real estate created by ~~section 5 of~~ chapter 91-A, **section 5**, to secure the payment of state, county and forestry district taxes assessed under sections 78 and 81 upon lands not liable to be assessed in any town. Such action shall be begun after the expiration of 8 months and within one year after the publication of the advertisement named in section 82. The proceedings shall be in accordance with ~~section 87 of~~ chapter 91-A, **section 87**, except that the preliminary notice and demand for payment of said tax as provided in said section shall not be required.'

**Sec. 5. R. S., c. 16, § 94, amended.** The 2nd sentence of section 94 of chapter 16 of the Revised Statutes is amended to read as follows:

'If such taxes shall not be paid within 30 days after such demand, the State Tax Assessor may collect the same, with interest as provided by law, by ~~an~~ a civil action ~~of debt~~ in the name of the State.'

**Sec. 6. R. S., c. 16, § 97, amended.** The last sentence of section 97 of chapter 16 of the Revised Statutes is amended to read as follows:

'When the time for the payment of the tax to the State Tax Assessor has expired, and it is unpaid, the State Tax Assessor shall give notice thereof to the delinquent property owner, and unless such tax shall be paid within 60 days, the State Tax Assessor may issue his warrant to the sheriff of the county, requiring him to levy by distress and sale upon the personal property of said property owner, and the sheriff or his deputy shall execute such warrants ~~but any~~. Any balance remaining after deducting taxes and necessary additions made in accordance with ~~the provisions of~~ sections 95 to 97 shall be returned to the owner or person in possession of such property or the State Tax Assessor may certify such unpaid taxes to the Attorney General, who shall bring ~~an~~ a civil action ~~of debt~~ in the name of the State.'

**Sec. 7. R. S., c. 16, § 108, amended.** Section 108 of chapter 16 of the Revised Statutes is amended to read as follows:

'Sec. 108. Tax to be a debt due from corporation. The tax assessed under ~~the provisions of~~ section 107 shall be a debt due from such corporation to the State, for which ~~an~~ a civil action ~~of debt~~ may be maintained after the same shall have been in arrears for the period of one month; ~~such~~. Such tax shall ~~also~~ be a preferred debt in case of insolvency under the laws of this State or in any process of liquidation in its courts.'

**Sec. 8. R. S., c. 16, § 110, amended.** Section 110 of chapter 16 of the Revised Statutes is amended to read as follows:

'Sec. 110. Company in arrears 6 months. The State Tax Assessor, whenever any tax due under ~~the provisions of the 4 preceding~~ sections 106 to 109

from any company shall have remained in arrears for a period of 6 months after the same shall have become payable, shall report the same to the Attorney General, who shall, if he deems it advisable, apply to the ~~Supreme Judicial Court or the Superior Court in equity~~ for equitable relief in the name of the State for the forfeiture of the charter of such delinquent corporation, and said court shall order such notice to all parties interested as it may deem proper and shall have jurisdiction in said cause to appoint receivers, issue injunctions and pass interlocutory decrees and orders according to the usual ~~course of proceedings in equity procedure in civil actions in which equitable relief is sought~~, and to make such final orders and decrees as the nature of the case may require.'

**Sec. 9. R. S., c. 16, § 114, amended.** Section 114 of chapter 16 of the Revised Statutes is amended to read as follows:

'**Sec. 114. Penalty.** Any corporation, company or person willfully neglecting to make returns as provided in section 113 forfeits \$5 for every day's neglect, to be recovered by ~~an~~ a civil action ~~of debt~~ in the name of the State. Any officer, agent or employee of such railroad company who willfully violates any provision of section 113 shall be punished by a fine of not less than \$100 nor more than \$500 for each offense, to be recovered by indictment to the use of the State.'

**Sec. 10. R. S., c. 16, § 120, amended.** The last sentence of section 120 of chapter 16 of the Revised Statutes is amended to read as follows:

'The Public Utilities Commission shall have access to the books of railroad companies to ascertain if the required returns are correctly made; ~~and any~~. Any railroad corporation, association or person operating any railroad in the State, which refuses or neglects to make returns required by law or to exhibit to the Public Utilities Commission its books for the purposes aforesaid, or makes returns which the president, clerk, treasurer or other person certifying to such returns knows to be false forfeits not less than \$1,000 nor more than \$10,000, to be recovered by indictment or by ~~an~~ a civil action ~~of debt~~ in any county into which the railroad operated extends.'

**Sec. 11. R. S., c. 16, § 124, amended.** The first sentence of section 124 of chapter 16 of the Revised Statutes is amended to read as follows:

'Any corporation or person willfully neglecting to make returns according to ~~the provisions of the preceding~~ section 123 forfeits \$5 for every day's neglect, to be recovered by ~~an~~ a civil action ~~of debt~~ in the name of the State.'

**Sec. 12. R. S., c. 16, § 126, amended.** The first sentence of section 126 of chapter 16 of the Revised Statutes is amended to read as follows:

'Any corporation, association or person willfully neglecting to make returns as provided in section 125 forfeits \$5 for every day's neglect, to be recovered by ~~an~~ a civil action ~~of debt~~ in the name of the State.'

**Sec. 13. R. S., c. 16, § 131, amended.** Section 131 of chapter 16 of the Revised Statutes is amended to read as follows:

'**Sec. 131. Books of corporations to be open to assessors.** The State Tax Assessor or his duly authorized agent shall have access to the books of any corporation, association or person operating telephone or telegraph lines in this State, to ascertain if the required returns are correctly made; ~~and any~~. Any

## PUBLIC LAWS, 1961

## CHAP. 317

corporation, association or person refusing or neglecting to make the returns required by law or to exhibit to the said assessor or to his duly authorized agent, its or his books for the purpose aforesaid, or making returns which the president, clerk, treasurer or other person certifying such returns knows to be false shall forfeit not less than \$1,000 nor more than \$10,000, to be recovered by indictment or by ~~an~~ a civil action ~~of debt~~ in any county into which the said telegraph or telephone lines extend.'

Sec. 14. R. S., c. 16, § 136, amended. The first sentence of section 136 of chapter 16 of the Revised Statutes is amended to read as follows:

'Any corporation, company or person willfully neglecting to make returns according to section 134 forfeits \$5 for every day's neglect, to be recovered by ~~an~~ a civil action ~~of debt~~ in the name of the State.'

Sec. 15. R. S., c. 16, § 153, amended. The last 2 sentences of section 153 of chapter 16 of the Revised Statutes are amended to read as follows:

'If any corporation, company, association or person fails to pay the taxes required or imposed by sections 115, 122, 127, 133 and 155, the State Tax Assessor shall forthwith commence ~~an~~ a civil action ~~of debt~~, in the name of the State, for the recovery of the same with interest at the rate of 10% a year. In addition to other remedies for the collection of state taxes upon any corporation, such taxes with interest at the rate of 10% a year may be recovered by ~~an~~ a civil action ~~of debt~~ in the name of the State.'

Sec. 16. R. S., c. 16, § 155, amended. The first sentence of the last paragraph of section 155 of chapter 16 of the Revised Statutes is amended to read as follows:

'Any party in interest aggrieved by the valuation of the shares of any trust company or national banking institution made by the said State Tax Assessor may ~~claim an~~ appeal to the Superior Court at any time before said first day of July.'

Sec. 17. R. S., c. 16, § 157, amended. The first sentence of section 157 of chapter 16 of the Revised Statutes is amended to read as follows:

'Any trust company or national banking institution willfully neglecting to make returns according to section 154 forfeits \$5 for every day's neglect, to be recovered by ~~an~~ a civil action ~~of debt~~ in the name of the State.'

Sec. 18. R. S., c. 16, § 163, amended. The 4th sentence of section 163 of chapter 16 of the Revised Statutes is amended to read as follows:

'If such report is not filed by the last day of the month such distributor shall be liable to a penalty of \$5 a day for each day in arrears, due on demand by the State Tax Assessor and recoverable in ~~an~~ a civil action ~~of debt~~.'

Sec. 19. R. S., c. 16, § 182, amended. The 3rd paragraph of section 182 of chapter 16 of the Revised Statutes, as amended, is further amended to read as follows:

'At the time of the filing of said report each use fuel dealer shall pay to the State Tax Assessor a tax of 7c upon each gallon so reported as sold or used,

## CHAP. 317

and the State Tax Assessor shall pay over all receipts from such tax to the Treasurer of State daily. If such report is not filed by the last day of the month such dealer shall be liable to a penalty of \$1 a day for each day in arrears, due on demand by the State Tax Assessor and recoverable in ~~an~~ a civil action ~~of debt~~.'

Sec. 20. R. S., c. 16, § 193, amended. The 2nd sentence of section 193 of chapter 16 of the Revised Statutes is amended to read as follows:

'If any motor carrier fails to pay such tax, the State Tax Assessor may forthwith commence ~~an~~ a civil action ~~of debt~~ in the name of the State for recovery of the tax with interest at the rate of 10% per year.'

Sec. 21. R. S., c. 16, § 258, amended. Section 258 of chapter 16 of the Revised Statutes is amended to read as follows:

'Sec. 258. Action to recover tax. If said tax is not paid within the times ~~herein~~ prescribed, it shall be recoverable from the contractor by the State Tax Assessor in ~~an~~ a civil action ~~of assumpsit~~ in the name of the State.'

Sec. 22. R. S., c. 17, § 16, amended. Section 16 of chapter 17 of the Revised Statutes is amended to read as follows:

'Sec. 16. Tax a debt; proceedings to recover; preference. The taxes, interest and penalties imposed by this chapter, from the time the same shall be due, shall be a personal debt of the retailer or user to the State of Maine, recoverable in any court of competent jurisdiction in ~~an~~ a civil action ~~at law~~ in the name of the State of Maine, and shall have preference in any distribution of the assets of the taxpayer, whether in bankruptcy, insolvency or otherwise. The proceeds of any judgment obtained ~~hereunder~~ shall be paid to the Tax Assessor.'

Sec. 23. R. S., c. 22, § 7, amended. Section 7 of chapter 22 of the Revised Statutes, as amended by section 2 of chapter 10 of the public laws of 1955, is further amended to read as follows:

'Sec. 7. Appeal. If any person is aggrieved by the decision of the Secretary of State or the deputy secretary of state in revoking or suspending a license or certificate of registration or by the refusal of the Secretary of State or the deputy secretary of state to issue a license or certificate of registration, he may within ~~to~~ 30 days thereafter appeal to ~~any justice of the Superior Court by presenting to him filing a petition therefor, in term time or vacation complaint. Such justice~~ The court shall fix a time and place for hearing ~~which may be in vacation~~ and cause notice thereof to be given to the Secretary of State; ~~and after. After hearing such justice the court may affirm or reverse the decision of the Secretary of State or the deputy secretary of state and the decision of such justice the court shall be final. Pending judgment of the court, the decision of the Secretary of State or the deputy secretary of state in revoking or suspending any license or certificate of registration shall remain in full force and effect.~~

Sec. 24. R. S., c. 22, § 28, amended. Section 28 of chapter 22 of the Revised Statutes, as amended by section 7 of chapter 200 of the public laws of 1955, is further amended to read as follows:

'Sec. 28. Appeal from board's decision to deny, suspend or revoke dealer or transit registration plates. Any dealer or holder of a transit registration cer-



## PUBLIC LAWS, 1961

## CHAP. 317

tificate whose application for motor vehicle dealer or transit registration plates has been denied by the Secretary of State by order of the board, or whose dealer or transit registration plates have been suspended or revoked by the Secretary of State by order of the board, may, within 30 days thereafter, ~~secure judicial review~~ appeal by ~~presenting~~ filing a ~~petition~~ complaint addressed to any Justice of in the Superior Court, ~~in term time or vacation~~ stating therein the grounds upon which ~~a review~~ an appeal is sought. ~~Such justice~~ The court shall fix a time and place for hearing ~~which may be in vacation~~ and cause notice thereof to be given to the board; ~~and after.~~ After hearing, ~~such justice~~ the court may affirm, modify or reverse the decision of the board and the decision of ~~such justice~~ the court shall be final. Pending judgment of the court, such motor vehicle dealer or transit registration plates shall remain in full force and effect.'

Sec. 25. R. S., c. 22, § 46, amended. The 2nd paragraph of section 46 of chapter 22 of the Revised Statutes is amended to read as follows:

'Before a license as an official inspection station is granted, the premises shall be examined by a member of the State Police and the operator investigated as to his reliability and fitness for such appointment. If any person is aggrieved by the decision of a member of the State Police in refusing approval, he may within ~~to~~ 30 days thereafter appeal to ~~any Justice of~~ the Superior Court by ~~presenting to him~~ filing a ~~petition~~ therefor, ~~in term time or vacation~~ complaint. ~~Such justice~~ The Court shall fix a time and place for hearing ~~which may be in vacation~~ and cause notice thereof to be given to the Chief of the State Police; ~~and after.~~ After hearing ~~such justice~~ the court may affirm or reverse the decision of the member of the State Police and the decision of ~~such justice~~ the court shall be final. Pending judgment of the court, the decision of the member of the State Police shall remain in full force and effect.'

Sec. 26. R. S., c. 22, § 75, sub-§ II, amended. Subsection II of section 75 of chapter 22 of the Revised Statutes is amended to read as follows:

'II. Secretary of State to administer sections 75 to 82; appeal. The Secretary of State shall administer and enforce ~~the provisions of~~ sections 75 to 82 and he is authorized to adopt and enforce such regulations as may be necessary for their administration. He is authorized to remove and destroy all records and papers in his office pertaining to the Financial Responsibility Law which are more than 3 years old, are not in use and which in his judgment are no longer of value. Any person aggrieved by an order or act of the Secretary of State under the ~~provisions of~~ said sections may, within ~~to~~ 30 days after notice thereof, ~~file a petition for a review thereof~~ appeal by filing a complaint in the Superior Court of the county in which one of the parties resides, and if both plaintiff and defendant are nonresidents, then in the county where the accident occurred; ~~but the.~~ The filing of such ~~petition~~ filing of such complaint shall not suspend the order or act unless a stay thereof shall be allowed by ~~a judge of~~ said court pending final determination of the ~~review~~ appeal. The court shall summarily hear the ~~petition~~ complaint and may make any appropriate order or decree.'

Sec. 27. R. S., c. 22, § 80, sub-§ II, ¶ E, amended. The first sentence of paragraph E of subsection II of section 80 of chapter 22 of the Revised Statutes is amended to read as follows:

'Damages shall not be assessed except by special order of the court in ~~an~~ a civil action ~~of tort~~, payment of the judgment wherein is secured by a motor

vehicle liability policy or a motor vehicle liability bond, as defined in section 75, and wherein the defendant has been defaulted for failure to enter an appearance until the expiration of 30 days after the plaintiff has given notice of such default to the company issuing or executing such policy or bond and has filed an affidavit thereof.'

**Sec. 28. R. S., c. 22, § 102, amended.** The first sentence of section 102 of chapter 22 of the Revised Statutes is amended to read as follows:

'Whoever as owner, driver, operator or mover of any engine, team, vehicle or contrivance mentioned in ~~the 5 preceding~~ sections 97 to 101 violates any provision of said sections or the regulations made or permits granted under authority thereof shall be liable to a fine of not less than \$10 nor more than \$500, for each offense; ~~and he. He shall also~~ be responsible for all damage which said way or bridge may sustain as a result thereof, and the amount may be recovered ~~in a civil action on the case~~ brought by the municipality or other corporation, when any way or bridge is injured which is under the care of said municipality or other corporation; by the county commissioners in behalf of any unincorporated township injured and by the State when any state or state aid way or bridge is injured; and shall be used for the repair of the ways and bridges so injured.'

**Sec. 29. R. S., c. 23, § 23-A, amended.** The 4th sentence of the 2nd paragraph of section 23-A of chapter 23 of the Revised Statutes, as enacted by section 1 of chapter 378 of the public laws of 1957, is amended to read as follows:

'If the commission and the utility shall not agree as to the liability of the utility for such damages, either party may ~~petition appeal to any Justice of~~ the Superior Court for a determination thereof.'

**Sec. 30. R. S., c. 23, § 25, amended.** The last 2 sentences of section 25 of chapter 23 of the Revised Statutes are amended to read as follows:

'Any person aggrieved by the reestablishment of such boundary lines, limits and location may ~~petition~~ file a complaint for the assessment of damages to the Superior Court in the county where the reestablished highway is located within 60 days from the filing of such maps with the registry of deeds, and not thereafter, and the court shall assess the damages, if any, by jury, provided such reestablished boundary lines, limits or location are not the same as originally established. The commission shall pay from the funds of its department all expenses incurred ~~hereunder~~ and the amount of final judgment and costs, except that the amount of the final judgment costs shall be paid by the ~~petitioner~~ plaintiff if such ~~petitioner~~ plaintiff fails to recover any damages.'

**Sec. 31. R. S., c. 23, § 82, amended.** The next to the last paragraph of section 82 of chapter 23 of the Revised Statutes is amended to read as follows:

'In case the owner of such property is aggrieved with the award of damages so made, or with any part of such decrees, within ~~20~~ 30 days after the filing of said return, he may take an appeal therefrom by filing in the Superior Court in the county where such guard or fence is located a ~~petition~~ complaint requesting a new award or assessment of damages, and the court, after ordering such notice as it sees fit, shall thereupon determine the amount of damages sustained by said owners. The court may make any other change in the decree deemed proper. An appeal to the Superior Court vacates the original award.'

## PUBLIC LAWS, 1961

## CHAP. 317

Sec. 32. R. S., c. 23, § 111, amended. The last sentence of the last paragraph of section 111 of chapter 23 of the Revised Statutes is amended to read as follows:

'In case such funds due or to become due any town or county from the State Treasury in any one year do not equal or exceed the town's or county's share of either the estimated cost or the actual cost of a bridge, the construction of which is provided for under the terms of the said sections, then ~~an~~ a civil action ~~of debt~~ in the name of the Treasurer of State may be maintained against such delinquent county or town to recover any sum so due the State, but these remedies shall be in addition to, and not exclusive of, other remedies afforded by law for the proper enforcement of the provisions of said sections.'

Sec. 33. R. S., c. 23, § 143, amended. The last 2 sentences of section 143 of chapter 23 of the Revised Statutes, as enacted by section 3 of chapter 267 of the public laws of 1957, are amended to read as follows:

'The commission may ~~petition the court of equity for file in the Superior Court a complaint seeking~~ a mandatory decree ordering the removal of any outdoor advertising structure, device or display erected or maintained in violation of any of the provisions of sections 137 to 148. The ~~court of equity~~ Superior Court shall have jurisdiction of any such proceeding.'

Sec. 34. R. S., c. 25, § 19, amended. The first paragraph of section 19 of chapter 25 of the Revised Statutes is amended to read as follows:

'The spouse, parents and adult children of a person receiving hospital care shall, if of sufficient ability, be responsible for the hospital bill of such person. The hospital furnishing care to a person may recover the amount due for such care from a responsible relative in ~~an~~ a civil action ~~on the case~~.'

Sec. 35. R. S., c. 25, § 69, amended. The last paragraph of section 69 of chapter 25 of the Revised Statutes is amended to read as follows:

'If the person to whom notice is given fails to comply ~~therewith~~, he shall be punished by a fine of not less than \$5 nor more than \$10, for every day during which he continues to make default; ~~and the~~. The local health officer shall cause such house, building, car, vessel or vehicle, or any part thereof, and articles to be cleansed and disinfected at the expense of the town, and the town may recover the expenses so incurred from the owner, agent or occupier in default, by ~~an~~ a civil action ~~of special assumpsit~~.'

Sec. 36. R. S., c. 25, § 165, amended. The last paragraph of section 165 of chapter 25 of the Revised Statutes is amended to read as follows:

'Any person aggrieved by the decision of the Bureau of Health in revoking or suspending a license or by the refusal of said Bureau of Health to issue a license may within ~~to~~ 30 days thereafter appeal to ~~any Justice of the Superior Court~~ by filing a ~~presenting to him a petition therefor, in term time or vacation~~ complaint. ~~Such justice~~ The court shall fix a time and place for hearing ~~which may be in vacation~~ and cause notice thereof to be given to the Bureau of Health; ~~and after~~. After hearing, ~~such justice~~ the court may affirm or reverse the decision of the Bureau of Health, and the decision of such ~~justice~~ court shall be final. Pending judgment of the court, the decision of the Bureau

of Health in revoking or suspending any license shall remain in full force and effect. The bureau shall, within 3 days after notice of such appeal, forward to the said court a certified copy of the proceedings.'

**Sec. 37. R. S., c. 25, § 205, amended.** The last 2 sentences of the 3rd paragraph of section 205 of chapter 25 of the Revised Statutes are repealed and the following enacted in place thereof:

'An appeal may be taken from the decision of the Superior Court to the Supreme Judicial Court in the same manner as is provided in civil actions.'

**Sec. 38. R. S., c. 25, § 257, amended.** Section 257 of chapter 25 of the Revised Statutes is amended to read as follows:

'**Sec. 257. State or town may recover from parents.** The State or any town or county incurring expenses under sections 248 ~~249~~, ~~250~~ to 251 and section 256, through the fault of parents who are able to support and educate their children but wrongfully neglect and refuse to do so, may recover of them or either of them, in ~~an~~ a civil action ~~of debt~~, the amount so expended.'

**Sec. 39. R. S., c. 25, § 290, amended.** Section 290 of chapter 25 of the Revised Statutes is amended to read as follows:

'**Sec. 290. Illegal payments recovered.** The department may recover from any child, children or spouse of any beneficiary under ~~the provisions of~~ sections 276 to 297, who is able to support the said beneficiary but who fails to provide such support, in ~~an~~ a civil action ~~on the case~~ for the amount expended by the department for the said support. The department may ~~also~~ recover the amount expended for aid in ~~an~~ a civil action ~~on the case~~ from a recipient or a former recipient who has failed to disclose assets which would have rendered him ineligible had he disclosed the assets. Such actions shall be prosecuted by the Attorney General in the name of the State and the amount recovered shall be credited to the Old Age Assistance Fund.'

**Sec. 40. R. S., c. 25, § 308, amended.** Section 308 of chapter 25 of the Revised Statutes is amended to read as follows:

'**Sec. 308. Illegal payments recovered.** The department may recover from any adult child or children, spouse or parents of any beneficiary under ~~the provisions of~~ sections 298 to 318, who is able to support the said beneficiary, but who fails to provide such support, in ~~an~~ a civil action ~~on the case~~ for the amount expended by the department for the said support. The department may ~~also~~ recover the amount expended for aid in ~~an~~ a civil action ~~on the case~~ from a recipient or a former recipient who has failed to disclose assets which would have rendered him ineligible had he disclosed the assets. Such actions shall be prosecuted by the Attorney General in the name of the State and the amount recovered shall be credited to the Aid to the Blind Fund.'

**Sec. 41. R. S., c. 25, § 319-M, amended.** Section 319-M of chapter 25 of the Revised Statutes, as enacted by section 30 of chapter 405 of the public laws of 1955, is amended to read as follows:

'**Sec. 319-M. Payments illegally received may be recovered.** The department may recover from any adult child or children, spouse or parents of any beneficiary under ~~the provisions of~~ sections 319-A to 319-T, who is able to

## PUBLIC LAWS, 1961

## CHAP. 317

support the said beneficiary, but who fails to provide such support, in ~~an~~ a civil action ~~on the case~~ for the amount expended by the department for the said support. The department may ~~also~~ recover the amount expended for aid in ~~an~~ a civil action ~~on the case~~ from a recipient or a former recipient who has failed to disclose assets which would have rendered him ineligible had he disclosed the assets. Such actions shall be prosecuted by the Attorney General in the name of the State, and the amount recovered shall be credited to the Aid to the Disabled Fund.'

Sec. 42. R. S., c. 25, § 374, amended. Section 374 of chapter 25 of the Revised Statutes is amended to read as follows:

'Sec. 374. No sale or permit to a foreigner. No citizen or subject of a foreign government shall purchase, cut or carry off trees, timber or grass from the township reserved for the benefit of the Passamaquoddy tribe; ~~and if~~. If the commissioner gives to such citizen or subject a permit for such unlawful purpose, he forfeits not more than \$500 nor less than \$100, to be recovered by ~~an~~ a civil action ~~of debt~~, ½ to the State and ½ to the prosecutor.'

Sec. 43. R. S., c. 25, § 397-A, amended. The first paragraph of section 397-A of chapter 25 of the Revised Statutes, as enacted by section 7 of chapter 298 of the public laws of 1957, is amended to read as follows:

'Custodians of certificates and records of birth, marriage and death may permit inspection of records, or issue certified copies of certificates or records, or any parts thereof, when satisfied that the applicant therefor has a direct and legitimate interest in the matter recorded, the decision of the state registrar or the clerk of a municipality being subject to review by the Superior Court ~~or any justice thereof in vacation~~, under the limitations of this section.'

Sec. 44. R. S., c. 27, § 96, amended. The last sentence of section 96 of chapter 27 of the Revised Statutes is amended to read as follows:

'Within 20 days after such hearing the superintendent may ~~bring a petition~~ appeal by filing a complaint in the Superior Court within and for the county where the institution is located, praying that the action of the commissioner and the Governor and Council may be reviewed by the court, and, after such notice to the commissioner and the Governor and Council as the court deems necessary, it shall review such action, hear the witnesses and shall affirm the decision of the commissioner and the Governor and Council unless it shall appear that such decision was made without proper cause or in bad faith, in which case such decision shall be reversed and the ~~petitioner~~ plaintiff be reinstated in his office without loss of compensation.'

Sec. 45. R. S., c. 27, § 140, amended. The next to the last sentence of section 140 of chapter 27 of the Revised Statutes is amended to read as follows:

'If said municipal officers to whom such certification is made ~~as aforesaid~~ fail to remove such person from said hospital within one week after receipt of such certification, the city or town from which such person was committed shall be liable to the State for the entire cost of maintaining such person in said hospital, at a rate determined by the commissioner, from the date of the certification ~~as aforesaid~~ until finally removed therefrom, the same to be recovered in ~~an~~ a civil action ~~on the case~~.'

Sec. 46. R. S., c. 27, § 153, amended. The first paragraph of section 153 of chapter 27 of the Revised Statutes is amended to read as follows:

'Within 30 days of the issuance of any order of sterilization an appeal may be taken therefrom to the Superior Court by the inmate or his or her representative. Such appeal shall be ~~entered filed~~ and heard ~~at the next term of said court held at least 14 days after the date of such appeal~~ in the county where inmate was domiciled when committed. The proceedings in such appeals shall be governed by the rules provided for probate appeals.'

Sec. 47. R. S., c. 29, § 5, sub-§ XIV, amended. Subsection XIV of section 5 of chapter 29 of the Revised Statutes is amended to read as follows:

'XIV. Determination of employer or employment; appeal. Upon the motion of the Director of Unemployment Compensation or if a member of the commission is ~~also~~ acting in that capacity upon the motion of a representative of the commission duly authorized by the commission to do so or upon application of an employing unit and after giving notice, the commission may hold a hearing, make findings of fact and on the basis thereof, determine whether an employing unit constitutes an employer and whether services performed for or in connection with the business of an employing unit constitute employment. In the absence of appeal therefrom, the determination of the commission, together with the record of the proceeding under this subsection, shall be admissible in any subsequent material proceeding under this chapter, and if supported by evidence, and in the absence of fraud, shall be conclusive, except as to errors of law, upon any employing unit which was a party to the proceeding under this subsection. Any such determination of the commission shall become final 10 days after the date of notification. If such notification is given by mail, it shall be registered and the date of receipt thereof by the employing unit shall control. Any employing unit aggrieved thereby shall have 15 days after the determination of the commission became final in which to perfect his appeal ~~for judicial review~~ thereof and on such appeal the commission shall be deemed to be a party and may be represented by counsel. Such appeal shall be commenced by filing a ~~petition for review~~ **complaint** in the Superior Court of the county in which the employing unit has its principal place of business, a copy of which ~~petition~~ **complaint** shall be served upon the commission or upon such person as the commission may designate. With its answer, the commission shall certify and file with said court the original or certified copies of all documents and papers and a transcript of all testimony in the matter together with its findings of fact and decision therein. Upon the motion of any party to the ~~review~~ **appeal**, the court may order additional testimony or evidence to be offered and upon the basis of all the evidence before him shall determine the issues. An appeal may be taken from the decision of the Superior Court to the Supreme Judicial Court in the same manner as is provided in civil ~~cases~~ **actions**.'

Sec. 48. R. S., c. 29, § 16, sub-§ IX, amended. Subsection IX of section 16 of chapter 29 of the Revised Statutes is amended to read as follows:

'IX. Appeal. Within 15 days after the decision of the commission has become final, any party aggrieved thereby may ~~secure judicial review thereof~~ **appeal** by commencing an action in the Superior Court of Kennebec County against the commission for the ~~review~~ **appeal** of its decision, in which action any other party to the proceedings before the commission shall be made a defendant. In such action, a ~~petition~~ **complaint** which need not be verified, but which shall state the grounds upon which ~~a review~~ **an appeal** is sought,

shall be served upon the commission or upon such person as the commission may designate and such service shall be deemed completed service on all parties, but there shall be left with the party so served as many copies of the ~~petition~~ **complaint** as there are defendants and the commission shall forthwith mail one such copy to each such defendant. With its answer, the commission shall certify and file with said court the original or certified copies of all documents and papers and a transcript of all testimony taken in the matter, together with its findings of fact and decision therein. The commission may ~~also~~, in its discretion, certify to such court questions of law involved in any decision by it. In any judicial proceeding under ~~the provisions of this chapter~~, the findings of the commission as to the facts, if supported by evidence and in the absence of fraud, shall be conclusive, and the jurisdiction of said court shall be confined to questions of law. Such actions, and the questions so certified, shall be heard in a summary manner and shall be given precedence over all other civil ~~cases~~ **actions** except ~~cases~~ **actions** arising under the Workmen's Compensation Law of this State. An appeal may be taken from the decision of the Superior Court of Kennebec County to the Supreme Judicial Court of the State, in the same manner, but not inconsistent with ~~the provisions of this chapter~~, as is provided in civil ~~cases~~ **actions**. It shall not be necessary, in any judicial proceeding under ~~the provisions of this section~~, to enter ~~exceptions~~ **objections** to the rulings of the commission and no bond shall be required for entering such appeal. Upon the final determination of such judicial proceeding, the commission shall enter an order in accordance with such determination. ~~A petition for judicial review. An appeal shall not act as a supersedeas or stay unless the commission shall so order.~~

Sec. 49. R. S., c. 29, § 16, sub-§ X, amended. The next to the last sentence of the first paragraph of subsection X of section 16 of chapter 29 of the Revised Statutes, as repealed and replaced by section 7 of chapter 421 of the public laws of 1955, is amended to read as follows:

'If the amount of benefits is decreased upon such redetermination, the matters involved in such decrease shall be subject to ~~review in connection with an appeal by claimant with respect to subsequent benefits which may be affected by the redetermination.~~

Sec. 50. R. S., c. 29, § 17, sub-§ IV, ¶ F, sub-¶ 1, amended. Subparagraph 1 of paragraph F of subsection IV of section 17 of chapter 29 of the Revised Statutes is amended to read as follows:

'1. Shall promptly notify each employer of his rate of contributions as determined for the 12-month period commencing July 1st of each year pursuant to ~~the provisions of this section~~. Such determination shall become conclusive and binding upon the employer unless, within 15 days after the mailing of notice thereof to his last known address or in the absence of mailing, within 15 days after the delivery of such notice, the employer files an application for review and redetermination, setting forth his reasons therefor. If the commission grants such review, the employer shall be promptly notified thereof and shall be granted an opportunity for a hearing, but no employer shall have standing, in any proceedings involving his rate of contributions or contribution liability, to contest the chargeability to his "experience rating record" of any benefits paid in accordance with a determination, redetermination or decision pursuant to section 16 except upon the ground that the services on the

basis of which such benefits were found to be chargeable did not constitute services performed in employment for him and only in the event that he was not a party to such determination, redetermination or decision or to any other proceedings under ~~the provisions of~~ this chapter in which the character of such services was determined. The employer shall be promptly notified of the commission's denial of his application, or of the commission's redetermination, both of which shall become final unless within 15 days after the mailing of notice thereof to his last known address or in the absence of mailing, within 15 days after the delivery of such notice, ~~a petition for judicial review~~ ~~an appeal is filed taken by filing a complaint~~ in the Superior Court of Kennebec County, State of Maine. In any proceedings under this section the findings of the commission as to the facts, if supported by evidence and in the absence of fraud, shall be conclusive and the jurisdiction of said court shall be confined to questions of law. No additional evidence shall be received by the court but the court may order additional evidence to be taken before the commission and the commission may, after hearing such additional evidence, modify its determination, and file such modified determination, together with a transcript of the additional record, with the court. Such proceedings shall be heard in a summary manner and shall be given precedence over all other civil ~~cases actions~~ except ~~cases actions~~ arising under section 16 and the Workmen's Compensation Law of this State. An appeal may be taken from the decision of the Superior Court of Kennebec County to the Supreme Judicial Court of Maine in the same manner, but not inconsistent with ~~the provisions of~~ this chapter, as is provided in civil ~~cases actions~~;

**Sec. 51. R. S., c. 29, § 19, sub-§ V, ¶ C, amended.** Paragraph C of subsection V of section 19 of chapter 29 of the Revised Statutes is amended to read as follows:

'C. Upon the failure of an employer to pay the amount assessed pursuant to this section, the commission may file with the register of deeds in any county where the employer has real property or with the town or city clerk where the employer has his principal place of business, a certificate under its official seal, stating: (a) the name of the employer; (b) his address; (c) the amount of the contributions and interest assessed and in default; and (d) that the time in which ~~a judicial review~~ ~~an appeal~~ is permitted pursuant to subsection VII ~~of this section~~ has expired without such appeal having been taken, or that delay will jeopardize collection, and when such certificate is duly filed and recorded, the amount of the assessment shall be a lien upon the entire interest of the employer, legal or equitable, in any real or tangible personal property, situated within the jurisdiction of the office in which such certificate was filed. The priority of said liens shall be governed by the same rules as apply to that of a lien for taxes under the laws of this State; ~~provided, however, that said~~. Said liens shall be subordinate to any real estate mortgage previously recorded as required by law. No lien for contributions or interest shall be valid against one who purchases personal property from the employer in the usual course of his business in good faith and without actual notice of such lien. Such lien may be enforced against any real or personal property by ~~an~~ a civil action ~~of debt~~ in the name of the commission. Such action shall be begun by writ of attachment commanding the officer serving it to specially attach the property upon which the lien is claimed. The commission shall discharge any such lien upon receiving from any such employer against whose property a lien certificate has been filed a good and sufficient bond with sureties



## PUBLIC LAWS, 1961

## CHAP. 317

conditioned upon the payment of the amount of contributions and interest as finally determined, together with any additional amount which may have become due or may have accrued under this chapter and costs of court, if any. The foregoing remedies shall be in addition to all other remedies.'

**Sec. 52. R. S., c. 29, § 19, sub-§ VI, amended.** The last sentence of subsection VI of section 19 of chapter 29 of the Revised Statutes is amended to read as follows:

'The commission shall promptly notify the parties to the proceeding of its finding of facts and decision and such decision shall be final unless within 15 days after the mailing of notice thereof to a party's last known address or, in the absence of such mailing, within 15 days after the delivery of such notice, ~~a proceeding for judicial review~~ an appeal is initiated by such party pursuant to subsection VII ~~of this section.~~'

**Sec. 53. R. S., c. 29, § 19, sub-§ VII, amended.** Subsection VII of section 19 of chapter 29 of the Revised Statutes is amended to read as follows:

'**VII. Appeal.** Within the time provided in subsection VI ~~of this section~~, any party to the proceedings before the commission may ~~secure judicial review thereof~~ appeal by filing in the Superior Court of the county in which the employer has his principal place of business in this State, a ~~petition for review of such decision~~ complaint and in such proceeding, any party to the proceeding before the commission shall be made a party thereto. The ~~petition for review~~ complaint need not be verified, but shall state the ground upon which such ~~review~~ appeal is sought. A copy of the ~~petition~~ complaint shall be served upon the commission or upon such person as it may designate. Thereupon the commission shall cause to be certified and filed with the court, a copy of the record of the ~~case~~ action, including all documents and papers and a transcript of all testimony taken in the matter, together with the commission's findings, and decision therein. Upon the motion of any party, the court may order additional testimony or evidence to be offered and upon the basis of all the evidence before it shall determine the assessment. An appeal may be taken from the decision of said court to the Supreme Judicial Court in the same manner, but not inconsistent with ~~the provisions of~~ this chapter, as is provided in civil ~~cases~~ actions. It shall not be necessary as a condition precedent to ~~judicial review~~ an appeal ~~of from~~ any decision of the commission to enter exceptions to the rulings of the commission. As a condition of initiating a proceeding for ~~judicial review~~ appeal ~~from the proceedings before the commission~~, or of entering an appeal from the decision of the Superior Court ~~upon such review~~, the court may require that an employing unit make payment of the amount of contributions or interest adjudged to be due by the commission or by such court, respectively, together with the cost assessed, if any, or file an approved bond or other appropriate security, in a sum fixed by such court, conditioned upon the payment of the amount of contributions and interest as finally determined, together with any additional amounts which may have become due or may have accrued under this chapter and costs assessed by such court. Upon the final termination of judicial proceedings, ~~hereunder~~ the commission shall enter an order in accordance with the mandate of the court.'

**Sec. 54. R. S., c. 29, § 28, sub-§ V, amended.** Subsection V of section 28 of chapter 29 of the Revised Statutes is amended to read as follows:

**'V. Refusal to repay erroneous payments.** If, after due notice, any person refuses to repay amounts erroneously paid to him as unemployment benefits, the amount due from such person may be collected by ~~an~~ a civil action ~~in assumpsit~~ with account annexed brought in the name of the commission or in the discretion of the commission the amount erroneously paid to such person may be deducted from any future benefits payable to him under ~~the provisions of this chapter.~~'

**Sec. 55. R. S., c. 30, § 21-C, amended.** Section 21-C of chapter 30 of the Revised Statutes, as enacted by chapter 409 of the public laws of 1957, is amended to read as follows:

**'Sec. 21-C. Failure to arbitrate under agreement.** A party aggrieved by the alleged failure, neglect or refusal of another to arbitrate in accordance with any agreement embraced within ~~the provisions of~~ section 21-A may institute proceedings in ~~any court having jurisdiction in equity~~ the Superior Court. Such proceedings shall be for an order directing that such arbitration proceed in the manner provided in the collective bargaining agreement or written submission agreement.

Five days' notice in writing of such application shall be served upon the party in default. Service thereof shall be made in the manner provided by law for the service of process in ~~equity cases civil actions~~. The court shall hear the parties, and upon being satisfied that the making of the collective bargaining contract or the written submission agreement for arbitration or the failure to comply therewith is not in issue, the court shall make an order directing the parties to proceed to arbitration in accordance with the terms of the collective bargaining contract or the written submission agreement. If the making of the collective bargaining contract or of the written submission agreement for arbitration of the failure, neglect or refusal to perform the same be in issue, the court shall proceed summarily to the trial thereof. If no jury trial be demanded by the party alleged to be in default, the court shall hear and determine such issue. Where such an issue is raised, the party alleged to be in default may, on or before the return day of the notice of application, demand a jury trial of such issue, and upon such demand the court shall make an order referring the issue or issues to a jury in the manner provided by law for referring to a jury issues ~~in an equity action in actions not triable of right by a jury~~ or may specially call a jury for that purpose. If the jury find that no collective bargaining contract or written submission agreement for arbitration was made or that there is no default in proceeding thereunder, the proceeding shall be dismissed. If the jury find that a collective bargaining contract or written submission agreement for arbitration was made and that there is a default in proceeding thereunder, the court shall make an order summarily directing the parties to proceed with the arbitration in accordance with the terms thereof.'

**Sec. 56. R. S., c. 30, § 21-F, amended.** The last sentence of section 21-F of chapter 30 of the Revised Statutes, as enacted by chapter 409 of the public laws of 1957, is amended to read as follows:

**'If any person or persons so summoned to testify shall refuse or neglect to obey said summons, upon ~~petition~~ complaint,** any Justice of the Superior Court may compel the attendance of such person or persons before said arbitrator or arbitrators, or punish said person or persons for contempt in the same manner provided by law for securing the attendance of witnesses or their punishment for neglect or refusal to attend in the courts of the State of Maine.'

**Sec. 57. R. S., c. 30, § 21-G, amended.** Section 21-G of chapter 30 of the Revised Statutes, as enacted by chapter 409 of the public laws of 1957, is amended to read as follows:

**'Sec. 21-G. Award of arbitrators; confirmation; jurisdiction; procedure.** If the parties in their collective bargaining contract or written submission agreement have agreed that a judgment of the court shall be entered upon the award made pursuant to the arbitration, and shall specify the court, then at any time within one year after the award is made any party to the arbitration may apply to the court so specified for an order confirming the award, and thereupon the court must grant such an order unless the award is vacated, modified or corrected as prescribed in sections 21-H and 21-I. In the absence of such provision in the collective bargaining contract or written submission agreement of the parties, such application to have judgment entered upon the award may be made to the Superior Court ~~or Supreme Judicial Court, sitting in equity~~ in the county within which such award was made. Notice of application shall be served upon the adverse party. If the adverse party is a resident of the State, such service shall be made upon the adverse party or his attorney as prescribed by law for service of motion in an action in the same court. If the adverse party shall be a non-resident, then the notice of the application shall be served in like manner as other process of the court is served upon nonresidents.'

**Sec. 58. R. S., c. 30, § 21-H, amended.** Section 21-H of chapter 30 of the Revised Statutes, as enacted by chapter 409 of the public laws of 1957, is amended to read as follows:

**'Sec. 21-H. Vacation; grounds; rehearing.** In any of the following cases the Superior Court ~~or Supreme Judicial Court, sitting in equity~~ in and for the county wherein the award was made may make an order vacating the award upon the application of any party to the arbitration:

- I. Corruption, fraud or undue means.** Where the award was procured by corruption, fraud or undue means;
- II. Partiality or corruption in arbitrators.** Where there was obvious partiality or corruption in the arbitrators, or any of them;
- III. Abuse of discretion by arbitrators.** Where the arbitrators were guilty of abuse of discretion by which the rights of any party have been prejudiced;
- IV. Arbitrators exceeded powers.** Where the arbitrators exceeded their powers, or so imperfectly executed them that a mutual, final and definite award upon the subject matter submitted was not made.

Where an award is vacated and the time within which the agreement required the award to be made has not expired, the court may, in its discretion, direct a rehearing by the arbitrators.'

**Sec. 59. R. S., c. 30, § 21-I, amended.** Section 21-I of chapter 30 of the Revised Statutes, as enacted by chapter 409 of the public laws of 1957, is amended to read as follows:

**'Sec. 21-I. Modification or correction; grounds; order.** The Superior Court ~~or Supreme Judicial Court, sitting in equity~~ in and for the county wherein the award was made, may make an order modifying or correcting the award upon the

application of any party to the arbitration where there was an evident material miscalculation of figures or an evident material mistake in the description of any person, thing or property referred to in the award.'

**Sec. 60. R. S., c. 30, § 56-A, amended.** The last paragraph of section 56-A of chapter 30 of the Revised Statutes, as enacted in chapter 205 of the public laws of 1957, is amended to read as follows:

'If any employer fails to comply with any of the provisions of this section, the employee may, at his election, bring ~~an~~ a civil action ~~at law~~ for damages for such noncompliance or apply to the courts for such equitable relief as may be just and proper under the circumstances.'

**Sec. 61. R. S., c. 30, § 88-D, amended.** The 2nd paragraph of section 88-D of chapter 30 of the Revised Statutes, as enacted by section 5 of chapter 466 of the public laws of 1955, is amended to read as follows:

'Any such order of said board or any rule or regulation formulated by said board shall be subject to review by a ~~justice of~~ the Superior Court ~~in term time or vacation~~ by an appeal taken within 30 days after the date of such order to the Superior Court held in and for the county in which the operation is located at the instance of any party in interest and aggrieved by said order or decision. Such appeal shall be prosecuted by ~~petition~~ complaint to which such party shall annex the order of the board and in which the appellant shall set out the substance of and the reasons for the appeal. Upon the filing thereof the court ~~in term time or a justice thereof in vacation~~ shall order notice thereof. Upon the evidence and after hearing which shall be held not less than 7 days after notice thereof, the court ~~or a justice thereof~~ may modify, affirm or reverse the order of the board and the rule or regulation on which it is based in whole or in part in accordance with law and the weight of the evidence. The court ~~or a justice thereof~~ shall, upon hearing, determine whether the filing of the appeal shall operate as a stay of any order pending the final determination of the appeal, and may impose such terms and conditions as may be deemed proper.'

**Sec. 62. R. S., c. 30, § 127, amended.** The 2nd paragraph of section 127 of chapter 30 of the Revised Statutes is amended to read as follows:

'Any such order of said board or any rule or regulation formulated by said board shall be subject to review by a ~~justice of~~ the Superior Court ~~in term time or vacation~~ by an appeal taken within 60 days after the date of such order to the Superior Court held in and for the county in which the equipment is located at the instance of any party in interest and aggrieved by said order or decision. Such appeal shall be prosecuted by ~~petition~~ complaint to which such party shall annex the order of the board and in which the appellant shall set out the substance of and the reasons for the appeal. Upon the filing thereof the court ~~in term time or a justice thereof in vacation~~ shall order notice thereof. Upon the evidence and after hearing which shall be held not less than 7 days after notice thereof, the court ~~or a justice thereof~~ may modify, affirm or reverse the order of the board and the rule or regulation on which it is based in whole or in part in accordance with law and the weight of the evidence. The court ~~or a justice thereof~~ shall, upon hearing, determine whether the filing of the appeal shall operate as a stay of any such order pending the final determination of the appeal, and may impose such terms and conditions as may be deemed proper.'

## PUBLIC LAWS, 1961

## CHAP. 317

**Sec. 63. R. S., c. 30, § 164, amended.** Section 164 of chapter 30 of the Revised Statutes, as enacted by chapter 28 of the public laws of 1957, is amended to read as follows:

**'Sec. 164. Appeals.** Any order by a board created and established under this chapter, or any rule, regulation, determination or declaration formulated by such board or by the commissioner, shall be subject to review by a justice of the Superior Court ~~in term time or vacation~~ by an appeal taken within 30 days after the effective date of such rule, regulation, determination or declaration to the Superior Court, held in or for the county in which the operation is located, at the instance of any party in interest and aggrieved by said rule, regulation, determination or declaration. Such appeal shall be prosecuted by ~~petition~~ **complaint**. Upon the filing thereof the court ~~in term time or a justice thereof in vacation~~ shall order notice thereof. Upon the evidence and after hearing, which shall be held not less than 7 days after notice thereof, the court ~~or a justice thereof~~ may modify, affirm or reverse the rule, regulation, determination or declaration in whole or in part in accordance with law and the weight of the evidence. The court ~~or a justice thereof~~ shall, upon hearing, determine whether the filing of the appeal shall operate as a stay of any rule, regulation, determination or declaration pending the final determination of the appeal, and may impose such terms and conditions as may be deemed proper.'

**Sec. 64. R. S., c. 31, § 6, sub-§ VI, amended.** The last sentence of subsection VI of section 6 of chapter 31 of the Revised Statutes is amended to read as follows:

'For willful failure to post such notices, the employer shall be liable to a forfeiture of \$10 for each day of such willful neglect, to be enforced by the commission in ~~an~~ a civil action ~~of debt~~ in the name of the State.'

**Sec. 65. R. S., c. 31, § 41, amended.** The last sentence of the first paragraph of section 41 of chapter 31 of the Revised Statutes is amended to read as follows:

'Such decree shall have the same effect and all proceedings in relation thereto shall thereafter be the same as though rendered in ~~a suit in equity~~ **an action in which equitable relief is sought**, duly heard and determined by said court, except that there shall be no appeal therefrom upon questions of fact found by said commission or by any commissioner, or where the decree is based upon a memorandum of agreement approved by the Commissioner of Labor and Industry.'

**Sec. 66. R. S., c. 31, § 41, amended.** The first sentence of the 2nd paragraph of section 41 of chapter 31 of the Revised Statutes is amended to read as follows:

'Upon any appeal therefrom the proceedings shall be the same as in appeals in ~~equity procedure~~ **actions in which equitable relief is sought** and the law court may, after consideration, reverse or modify any decree so made by a justice based upon an erroneous ruling or finding of law.'

**Sec. 67. R. S., c. 31, § 42, amended.** The first sentence of section 42 of chapter 31 of the Revised Statutes is amended to read as follows:

'Any pro forma decree rendered under ~~the provisions of the preceding~~ section 41 shall be enforceable by the Superior Court by any suitable process including

## CHAP. 317

## PUBLIC LAWS, 1961

execution against the goods, chattels and real estate, and including proceedings for contempt for willful failure or neglect to obey the orders or decrees of the court, or in any other manner that decrees ~~in equity~~ for equitable relief may be enforced.'

**Sec. 68. R. S., c. 31, § 44, amended.** The 2nd sentence of section 44 of chapter 31 of the Revised Statutes is amended to read as follows:

'Any employer who willfully neglects or refuses to make any report required by this section shall be subject to a penalty of not more than \$100 for each such neglect or refusal, to be enforced by the commission in ~~an~~ a civil action ~~of debt~~ in the name of the State.'

**Sec. 69. R. S., c. 31, § 45, amended.** The 2nd sentence of section 45 of chapter 31 of the Revised Statutes is amended to read as follows:

'Any insurance company which shall refuse to fill out such blanks or answer such questions shall be liable to a forfeiture of \$10 for each day of such refusal, to be enforced by the commission in ~~an~~ a civil action ~~of debt~~ in the name of the State.'

**Sec. 70. R. S., c. 32, § 5, amended.** Section 5 of chapter 32 of the Revised Statutes is amended to read as follows:

'**Sec. 5. Enforcement of laws.** The commissioner shall diligently enforce all provisions of this chapter and shall be entitled to and shall receive the assistance of the Attorney General and of the several county attorneys. He may recover the penalties imposed for violations ~~of the provisions~~ of this chapter in ~~an~~ a civil action ~~of debt~~ brought in his own name, the venue to be as in other civil ~~cases~~ actions, and if he prevails in any such action, shall recover full costs; or he may prosecute for violations hereof by complaint or indictment, and such prosecution shall be commenced in the county in which the offense was committed.'

**Sec. 71. R. S., c. 32, § 26, amended.** Section 26 of chapter 32 of the Revised Statutes is amended to read as follows:

'**Sec. 26. Competitors for premiums to pay entry fee; lien on animals.** Whoever makes entries of animals or articles as competitors for premiums or purses offered by any society or by any person or association in the State shall be holden to pay the entry fee in accordance with the advertised rules and regulations of any such society, person or association not in conflict with the laws of the State; ~~and a~~. A lien is created upon such animals and articles for such entry fee to secure payment thereof with costs, to be enforced by ~~an~~ a civil action ~~of debt~~ against the person owning such animals or articles, or the person entering the same; or the same may be enforced in the same manner as liens on goods in possession and choses in action, but such lien shall not affect the title of any innocent purchaser of said animals or articles without actual notice of such lien.'

**Sec. 72. R. S., c. 32, § 45, amended.** Section 45 of chapter 32 of the Revised Statutes is amended to read as follows:

'**Sec. 45. Enforcement.** The commissioner shall have authority to administer ~~the provisions of~~ sections 39 to 47 and to make uniform rules and regula-

## PUBLIC LAWS, 1961

## CHAP. 317

tions for such administration. The commissioner may recover the penalties imposed for violations ~~of the provisions~~ of sections 39 to 47 in ~~an~~ a civil action ~~of debt~~ brought in his own name, the venue to be as in other civil ~~cases~~ actions, and if he prevails in any such action, shall recover full costs; or he may prosecute for violation ~~of the provisions~~ of said sections by complaint or indictment and such prosecution shall be commenced in the county in which the offense is committed.'

Sec. 73. R. S., c. 32, § 249, amended. The 6th and 7th sentences of section 249 of chapter 32 of the Revised Statutes are amended to read as follows:

'Any licensee who is aggrieved by the decision of the commissioner may within 10 days thereafter appeal to ~~any Justice of~~ the Superior Court by ~~presenting to him filing a petition therefor, in term time or vacation~~ complaint. ~~Such justice~~ The court shall fix a time and place for hearing ~~which may be in term time or vacation~~ and cause notice thereof to be given to the said commissioner; ~~and after. After hearing, such justice the court may affirm or reverse the decision of said commissioner and the decision of such justice the court shall be final.~~

Sec. 74. R. S., c. 32, § 291, amended. The 3rd paragraph of section 291 of chapter 32 of the Revised Statutes is amended to read as follows:

'At the hearing the licensee may present such evidence to the commissioner as he deems fit, and after hearing all the testimony, the said commissioner shall decide whether the license shall be revoked or suspended or not. Any licensee who is aggrieved by the decision of the commissioner may, within ~~to~~ 30 days thereafter, appeal to ~~any Justice of~~ the Superior Court by ~~presenting to him filing a petition therefor, in term time or vacation~~ complaint. ~~Such justice~~ The court shall fix a time and place for hearing ~~which may be in term time or vacation~~ and cause notice thereof to be given to the said commissioner; ~~and after. After hearing, such justice the court may affirm or reverse the decision of the commissioner and the decision of such justice the court shall be final. Pending judgment of such justice the court, the decision of the commissioner shall remain in full force and effect. The commissioner shall, within 3 days after notice of such appeal, forward to the justice court a certified copy of the proceedings.~~

Sec. 75. R. S., c. 32, § 299, amended. The last sentence of the first paragraph of section 299 of chapter 32 of the Revised Statutes is amended to read as follows:

'He may recover penalties imposed for violation ~~of the provisions~~ of said sections in ~~an~~ a civil action ~~of debt~~ brought in his own name and if he prevails in such action shall recover full costs; or he may prosecute for violations thereof by complaint or indictment.'

Sec. 76. R. S., c. 36, § 67-E, amended. The next to the last paragraph of section 67-E of chapter 36 of the Revised Statutes, as enacted by chapter 283 of the public laws of 1959, is amended to read as follows:

'Any person, firm, corporation or partnership aggrieved by a decision of the ~~Forest~~ commissioner suspending or revoking a registration may, within 30 days after notice thereof from the ~~Forest~~ commissioner, appeal therefrom to ~~the next term of~~ the Superior Court ~~to be begun and held more than 30 days after~~

## CHAP. 317

PUBLIC LAWS, 1961

~~such notice of said decision~~ in any county where the appellant has a regular place of business or if the appellant has no such place of business within the State, to ~~such term of the Superior Court in Kennebec County.~~ The appellant shall ~~on or before the 3rd day of the term to which such appeal is taken~~ when such appeal is taken file an affidavit stating his reasons of appeal and serve a copy thereof on the ~~Forest~~ commissioner, and in the hearing of the appeal shall be confined to the reasons of appeal set forth in such affidavit. Jurisdiction is granted to the Superior Court to hear and determine such appeals and to enter such order and decrees as the nature of the case may require. ~~Hearings may be had before the court in term time, or any justice thereof in vacation, and the~~ The decision of said court or justice upon all questions of fact shall be final. Decisions shall be certified to the ~~Forest~~ commissioner.'

Sec. 77. R. S., c. 37, § 13, amended. The last 2 paragraphs of section 13 of chapter 37 of the Revised Statutes, as revised, are amended to read as follows:

'If any owner or occupant neglects or refuses to join in proportion to his interest therein in erecting, maintaining, repairing or altering such fishway so ordered and required, the other owners or occupants shall do so and shall have ~~an a civil action on the case~~ against such delinquents for their proportion of the expense thereof; ~~and if.~~ If all owners and occupants refuse or neglect to do so, the commissioner may do so and shall have ~~an a civil action on the case~~ against all delinquents for their proportion of the expense thereof or the commissioner may petition the Superior Court ~~in equity, in term time or vacation~~, in the county where said dam or other artificial obstruction exists, to enforce any such order or to restrain any violation thereof. Whenever delinquent owners or occupants ~~as aforesaid~~ reside out of the State, said amounts may be recovered as penalties by libel against said dam or obstruction and the land on which it stands, filed in the Superior Court in the county where said land is located, in the name of the commissioner, such notice to be given of the pendency thereof as the court ~~in term time or vacation orders; and the.~~ The court may render judgment therein against said dam, obstruction and lands for said penalties and costs and order a sale thereof to satisfy such judgment and costs, including costs of sale, subject ~~however~~ to all said requirements for the erection, maintenance and repair of said fishway.

Any owner or occupant may, within 14 days after any order of the commissioner, appeal to any Justice of the Superior Court from any such order ~~of the commissioner by filing, in the office of the clerk of the Superior Court in the county where said dam or other obstruction is located, his notice in writing of such appeal, containing the reasons therefor, within 14 days after the mailing of the copy of said order to any owner or occupant of the premises as above provided.~~ The appellant shall when the appeal is taken include in the complaint a statement setting forth substantially the facts of the case. If any such appeal is denied, full costs may be taxed against the appellant.'

Sec. 78. R. S., c. 37-A, § 48, sub-§ I, ¶ A, amended. Paragraph A of subsection I of section 48 of chapter 37-A of the Revised Statutes, as enacted by section 1 of chapter 331 of the public laws of 1959, is amended to read as follows:

'A. The licensee, his heirs or assignees may in ~~an a civil action of tort~~ recover treble damages and costs of any person who, without his or their consent, digs or takes any clams, quahogs, mussels or other she'llfish from the area covered by the license.'



## PUBLIC LAWS, 1961

## CHAP. 317

Sec. 79. R. S., c. 37-A, § 48, sub-§ III, amended. The first paragraph of subsection III of section 48 of chapter 37-A of the Revised Statutes, as enacted by section 1 of chapter 331 of the public laws of 1959, is amended to read as follows:

'It is unlawful for any person to willfully do any of the following acts, and whoever does so shall be punished by a fine of not more than \$20, or by imprisonment for not more than 30 days, and in addition shall be liable in ~~and~~ a civil action ~~of tort~~ to the licensee, his heirs or assigns in treble damages and costs.'

Sec. 80. R. S., c. 37-A, § 57, sub-§ II, ¶ A, amended. Paragraph A of subsection II of section 57 of chapter 37-A of the Revised Statutes, as enacted by section 1 of chapter 331 of the public laws of 1959, is amended to read as follows:

'A. It is unlawful for any person, without the consent of the permittee, to trespass within the area or to injure the area where the oysters have been planted, and whoever does so shall be liable to the permittee in ~~an~~ a civil action ~~of trespass~~ for any damages.'

Sec. 81. R. S., c. 37-A, § 94, sub-§ I, amended. Subsection I of section 94 of chapter 37-A of the Revised Statutes, as enacted by section 1 of chapter 331 of the public laws of 1959, is amended to read as follows:

'I. Methods of recovery. Any of them may be recovered by complaint, indictment or civil action ~~of debt~~ brought in the county where the offense was committed. The civil action ~~of debt~~ must be brought in the name of the State.'

Sec. 81-A. R. S., c. 39-B, § 4, sub-§ VIII, amended. The 2nd paragraph of subsection VIII of section 4 of chapter 39-B of the Revised Statutes, as last repealed and replaced by section 3 of chapter 135 of the public laws of 1959, is amended to read as follows:

'If any claimant is aggrieved by the decision of the bureau resulting from the hearing, he may within 30 days thereafter appeal to ~~any Justice of the Superior Court~~, by ~~presenting to him~~ filing a ~~petition~~ complaint therefor ~~in term time or vacation~~. ~~Such justice~~ The court shall fix a time and place for hearing ~~which may be in vacation~~ and cause notice thereof to be given to the Maine Mining Bureau; and after hearing, ~~such justice~~ the court may affirm or reverse the decision of the bureau and the decision of ~~such justice~~ the court shall be final. During the pendency of all proceedings under this section no person or corporation shall lay claim to the area in dispute.'

Sec. 82. R. S., c. 39-B, § 11, amended. The last sentence of the first paragraph of section 11 of chapter 39-B of the Revised Statutes, as enacted by section 2 of chapter 293 of the public laws of 1957, is amended to read as follows:

'If the forfeiture relates to a claim or mining lease, an appropriate entry shall be made on the records of the State Land Agent, after the time for ~~appellate review~~ appeal has expired or the appeal finally determined.'

Sec. 83. R. S., c. 39-B, § 11, amended. The last paragraph of section 11 of chapter 39-B of the Revised Statutes, as enacted by section 2 of chapter 293 of the public laws of 1957, is amended to read as follows:

'If any person is aggrieved by the decision of the bureau, he may within 30 days thereafter appeal on matters of law, to ~~any Justice of~~ the Superior Court, by ~~presenting to him filing a petition~~ ~~complaint~~ therefor ~~in term time or vacation~~. Such justice The court shall forthwith fix a time and place for hearing ~~which may be in vacation~~ and cause notice thereof to be given to the bureau; and after hearing, ~~such justice~~ the court may affirm, modify or reverse the decision of the bureau. Appeal by such aggrieved person or the Mining Bureau to the Law Court from such decision of such Superior Court Justice may be taken as in equity cases. An appeal by such aggrieved person or the Mining Bureau may be taken to the law court as in other civil actions. Upon such appeal the proceedings shall be the same as in appeals in equity procedure, and the law court may, after consideration, reverse or modify any decree ~~so made by a justice of the Superior Court~~ based upon an erroneous ruling or finding of law.'

Sec. 84. R. S., c. 41, § 34, amended. The first paragraph of section 34 of chapter 41 of the Revised Statutes, as amended by section 14 of chapter 364 and by section 7 of chapter 443, both of the public laws of 1957, is further amended to read as follows:

'Administrative units shall provide schoolbooks, apparatus and appliances for the use of pupils in the public schools, including all free high schools, at the expense of said administrative unit as provided in section 237-C, subsection II. Any parent or guardian of any pupil in the public schools may at his own expense procure for the separate and exclusive use of such pupil the textbooks required to be used in such schools. No secondhand books shall be purchased for the use of any school, and whoever violates this provision shall forfeit not exceeding \$500, to be recovered in ~~an~~ a civil action ~~of debt~~ by any school officer or person aggrieved.'

Sec. 85. R. S., c. 41, § 88, amended. Section 88 of chapter 41 of the Revised Statutes, as amended by section 46 of chapter 364 of the public laws of 1957, is further amended to read as follows:

'Sec. 88. Appropriation of amount required for public school purposes; forfeiture for violation. If any part of the money raised by the administrative unit or union of towns, or paid to them by the State for superintendence, is expended for any other purposes than those provided for in sections 80 and 81, then each person so misappropriating said money shall forfeit double the sum so misapplied, to be recovered in ~~an~~ a civil action ~~of debt~~ in the name and to the use of the town by any inhabitant thereof. No administrative unit or union of towns shall receive further aid under said sections until the amount so misapplied has been raised and expended for superintendence by such administrative unit or union of towns.'

Sec. 86. R. S., c. 41, § 101, amended. The next to the last sentence of section 101 of chapter 41 of the Revised Statutes, as amended by section 55 of chapter 364 of the public laws of 1957, is further amended to read as follows:

'Any administrative unit shall receive such state aid on any expenditure for a free high school or schools, made from the funds or proceeds of the real estate of an academy or incorporated institution of learning, surrendered or transferred to such administrative unit for educational purposes; but if any part of the money so paid by the State is expended for any other purpose than the support of such free high schools, then each person so misapplying said money forfeits

## PUBLIC LAWS, 1961

## CHAP. 317

double the sum so misapplied, to be recovered in ~~an~~ a civil action ~~of debt~~, in the name and to the use of the administrative unit by any inhabitant thereof.'

Sec. 87. R. S., c. 41, § 231, amended. Section 231 of chapter 41 of the Revised Statutes, as amended by section 93 of chapter 364 of the public laws of 1957, is further amended to read as follows:

'Sec. 231. Forfeitures; expenditure. Forfeitures under ~~the provisions of~~ this chapter, not otherwise provided for, may be recovered by indictment and shall be paid into the treasury of the administrative unit where they occurred for the support of schools therein, in addition to the amount required by law to be raised; but the cost of prosecution shall be paid into the county treasury. Any administrative unit neglecting for one year so to expend such money forfeits an equal sum to any person suing therefor in ~~an~~ a civil action ~~of debt~~.'

Sec. 88. R. S., c. 41, § 248, sub-§ IV, amended. Subsection IV of section 248 of chapter 41 of the Revised Statutes is amended to read as follows:

'IV. Sue and be sued. To sue and be sued in its own name, plead and be impleaded; ~~provided, however, that~~ any and all civil actions ~~at law or in equity~~ against the authority shall be brought only in the county in which the principal office of the authority shall be located;'

Sec. 89. R. S., c. 41, § 252, amended. Section 252 of chapter 41 of the Revised Statutes is amended to read as follows:

'Sec. 252. Remedies. Any holder of bonds issued under ~~the provisions of~~ sections 243 to 259, or any of the coupons appertaining thereto, and the trustee under any trust agreement, except to the extent the rights herein given may be restricted by such trust agreement, may ~~either at law or in equity~~ by ~~suit~~ civil action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the State or granted hereunder or under such trust agreement or the resolution authorizing the issuance of such bonds, and may enforce and compel the performance of all duties required by sections 243 to 259, or by such trust agreement or resolution to be performed by the authority or by any officer thereof.'

Sec. 90. R. S., c. 42, § 6, amended. The 2nd sentence of section 6 of chapter 42 of the Revised Statutes is amended to read as follows:

'If any person or organization shall neglect or fail to return any books, documents or other material lent to them, or shall return the same in an injured or mutilated condition, after due demand and notice, the librarian may maintain ~~an~~ a civil action ~~at law~~ against such person or organization for the full value thereof.'

Sec. 91. R. S., c. 44, § 7, amended. The last sentence of section 7 of chapter 44 of the Revised Statutes is amended to read as follows:

'Any public utility or any officer, agent or attorney thereof failing or refusing to comply with any such order or subpoena shall, for each day it shall so fail or refuse, forfeit and pay into the State Treasury a sum of not less than \$50 nor more than \$500, to be recovered by the State in ~~an~~ a civil action ~~on the case~~, which may be instituted by the commission in the name of the State.'

Sec. 92. R. S., c. 44, § 67, amended. Section 67 of chapter 44 of the Revised Statutes is amended to read as follows:

'Sec. 67. Questions of law raised on appeal to law court; decision certified to clerk of commission. ~~Questions of law may be raised by alleging exceptions to the ruling of the commission on an agreed statement of facts or on facts found by the commission, and such exceptions shall be allowed by the chairman of the commission and certified by the clerk thereof to the next term of the law court to be entered on the docket thereof and argued and determined according to the rules of procedure in said court. An appeal from a final decision of the commission may be taken to the law court on questions of law in the same manner as an appeal from a judgment of the Superior Court in a civil action. Wherever a statute or rule regulating the taking of an appeal from the Superior Court in a civil action uses the term "the court," the "clerk," the "clerk of courts," or a similar term, they shall for purposes of an appeal from the commission be read, respectively, as "the commission," "the clerk of the commission," or other appropriate term. The result shall be certified by the clerk of the law court to the clerk of the commission and to the clerk of the Superior Court for Kennebec County, the prevailing party to recover costs to be taxed by said Superior Court in accordance with the provisions of law for the taxation of costs in appealed cases; execution on appeal in civil actions. Execution for such costs shall be issued from the Superior Court of Kennebec County in the same manner as in cases actions originating therein.'~~

Sec. 93. R. S., c. 44, § 68, amended. Section 68 of chapter 44 of the Revised Statutes is amended to read as follows:

'Sec. 68. Appeal does not stay order of the commission. While ~~questions of law are pending on exceptions to a ruling of the commission~~ an appeal, as provided in the preceding section 67 is pending, no injunction shall issue suspending or staying any order of the commission and said ~~exceptions appeal~~ shall not excuse any person or corporation from complying with and obeying any order or decision or any requirement of any order or decision of the commission or operate in any manner to stay or postpone the enforcement thereof, except in such cases and upon such terms as the commission may order and direct.'

Sec. 94. R. S., c. 44, § 69, amended. Section 69 of chapter 44 of the Revised Statutes is amended to read as follows:

'Sec. 69. Additional court review. Notwithstanding the provisions of sections 67 and 68, in all cases in which the justness or reasonableness of a rate, toll or charge by any public utility or the constitutionality of any ruling or order of the commission is in issue, the Supreme Judicial Court sitting as a law court shall ~~also~~ have jurisdiction upon a ~~petition in equity~~ complaint to review, modify, amend or annul any ruling or order of the commission, but only to the extent of the unlawfulness of such ruling or order. If in such ~~petition~~ complaint it is alleged that confiscation of property or other violation of constitutional right results from such ruling or order, the law court shall exercise its own independent judgment as to both law and facts. The procedure before said court shall be that prescribed by it in the particular proceeding or by its rules, if any, applicable thereto and pending final determination by the court, the Chief Justice thereof, or in his absence any other justice, may enjoin or stay the effect of such ruling or order upon such terms and conditions as he may deem proper. Such ~~petition~~ complaint shall be filed with the clerk of the law court

## PUBLIC LAWS, 1961

## CHAP. 317

~~in the County of Kennebec~~ and a copy thereof with the clerk of the commission, both within 30 days after the date of the said ruling or order or within such further time as the court may allow, together with a certificate that the attorney for the ~~petitioner~~ plaintiff is of the opinion that there is such probable ground for the appeal as to make it a fit subject for judicial inquiry and that it is not intended for delay; ~~and double~~. Double costs shall be assessed by the court upon any such party whose ~~petition~~ complaint shall appear to the court not to be a fit subject for judicial inquiry or shall appear to be intended for delay.'

Sec. 95. R. S., c. 44, § 84, amended. The first sentence of section 84 of chapter 44 of the Revised Statutes is amended to read as follows:

'If any public utility shall willfully violate any provision of this chapter or shall do any act herein prohibited or shall fail or refuse to perform any duty enjoined upon it for which a penalty has not been provided or shall fail or refuse to obey any lawful requirement or order made by the commission, for any such violation, failure or refusal such public utility shall forfeit and pay into the State Treasury not more than \$1,000 for each offense, to be recovered in ~~an~~ a civil action ~~on the case~~ in the name of the State.'

Sec. 96. R. S., c. 45, § 32, amended. The first sentence of section 32 of chapter 45 of the Revised Statutes is amended to read as follows:

'For real estate so taken, the owners are entitled to damages, to be paid by the corporation and estimated by the county commissioners, on written application of either party, made within 3 years after the location is filed, or if proceedings thus commenced fail for causes not affecting the merits, new ones may be commenced within one year thereafter; ~~and when~~. When no estimate is made within such time, the owner may maintain ~~an~~ a civil action ~~of trespass~~ or have any remedy ~~herein~~ provided.'

Sec. 97. R. S., c. 45, § 34, amended. Section 34 of chapter 45 of the Revised Statutes is amended to read as follows:

'Sec. 34. Cattle guards and passes made and maintained; double damages. The county commissioners shall order the corporation to make and maintain such cattle guards, cattle passes and farm crossings as they think reasonable; ~~and prescribe the time and manner of making them and consider this work in awarding pecuniary damages; and if~~. If the corporation after 48 hours' notice in writing to its president or superintendent neglects to commence the work or complete it within a reasonable time, the owner may apply ~~to the Supreme Judicial Court or to the Superior Court, and either of said courts the court~~, after due notice to said corporation, shall issue all necessary processes to enforce the specific performance of such orders or restrain it by injunction; or the party interested may recover, in ~~an~~ a civil action ~~on the case~~, double the damage that he has sustained by such neglect.'

Sec. 98. R. S., c. 45, § 39, amended. Section 39 of chapter 45 of the Revised Statutes is amended to read as follows:

'Sec. 39. When damages not paid. When the damages remain unpaid for more than 30 days after they are due and demanded, ~~a bill in equity may be filed in court, in term time or vacation~~ equitable relief may be requested, by the person entitled to them, praying for an injunction against the use or occupation of

his land taken. If proceedings for an estimation of damages are not commenced within 3 years and the owner of the land ~~files a bill praying~~ requests equitable relief therefor, the court may estimate the damages, decree their payment and issue an execution therefor; ~~and the plaintiffs shall be entitled to a bill for an injunction; and in either case, any justice of the~~. The court, after summary notice to the corporation and upon proof of the facts may, without any bond filed, issue an injunction prohibiting such use and occupation until all damages and costs are paid. ~~The bill shall be entered, service of it made and continued at the next term after the injunction is issued. At the second term, if~~ If payment has not been made within 90 days, ~~the a permanent injunction may be made absolute issued~~; and all rights acquired by taking the land and all rights of property in and to whatever has been placed upon it cease, and the owner may maintain an action for its recovery and protection.'

**Sec. 99. R. S., c. 45, § 41, amended.** The last sentence of section 41 of chapter 45 of the Revised Statutes is amended to read as follows:

'Upon service and return of such order, the court may enter such decree as is just and equitable against such persons and issue execution accordingly; or may proceed against them as for breach of injunction in other ~~chancery cases~~ civil actions.'

**Sec. 100. R. S., c. 45, § 50, amended.** The last sentence of section 50 of chapter 45 of the Revised Statutes is amended to read as follows:

'Any person or corporation violating ~~the provisions of~~ this section forfeits to the State \$100 for each offense, to be recovered in ~~an a civil action on the case~~ or by complaint and indictment; and the Attorney General shall institute proceedings to recover the same.'

**Sec. 101. R. S., c. 45, § 53, amended.** The first sentence of section 53 of chapter 45 of the Revised Statutes is amended to read as follows:

'If said managers do not comply with such requirements, the commission shall ~~petition file a complaint to the Supreme Judicial Court or the Superior Court~~ in any county where the railroad extends, setting forth their examination, the condition of the road, the notice and requirement and refusal to comply; and shall notify the Attorney General or the attorney of such county of the filing of said ~~petition complaint~~, one of whom shall appear and take charge of the proceedings in court.'

**Sec. 102. R. S., c. 45, § 66, amended.** Section 66 of chapter 45 of the Revised Statutes is amended to read as follows:

'**Sec. 66. Damages for neglect.** When the corporation unnecessarily neglects to perform the acts so required, those injured may recover damages in ~~an a civil action on the case~~, commenced within one year after performance is required.'

**Sec. 103. R. S., c. 45, § 67, amended.** Section 67 of chapter 45 of the Revised Statutes is amended to read as follows:

'**Sec. 67.** Railroad may be carried over or under a canal or railroad; bridges and abutments kept in repair; proceedings when bridge or crossing is unsafe. A railroad may be carried over or under a canal or railroad in such manner as

## PUBLIC LAWS, 1961

## CHAP. 317

not unnecessarily to impede the travel or transportation on them. The corporation making such crossing is liable for damages occasioned thereby in ~~an~~ a civil action ~~on the case~~. Bridges and their abutments, constructed for a crossing of any way, shall be kept in repair by the corporation, or by persons or parties running trains on any railroad crossing a highway or town way. The municipal officers of any city or town may give notice in writing to such persons, parties or corporations that a bridge required at such crossing has not been erected, or is out of repair and not safe and convenient, within the requirements of ~~section 63 of chapter 96, section 63~~, or that the crossing of any such highway or town way passing such railroad at grade, within their respective cities or towns, is not made or maintained safe and convenient as required by said section; ~~and such~~. Such persons, parties or corporations shall erect or repair such bridge or make such crossing safe and convenient ~~as aforesaid~~ within 10 days from the service of said notice; ~~and if~~. If they neglect to do so, any one of said municipal officers may apply to ~~any Justice of the Supreme Judicial Court or of the Superior Court in term time or vacation~~ to compel such delinquents to erect or repair such bridge or make such crossing ~~as aforesaid~~; ~~and after~~. After hearing, ~~such justice or the court~~ may make any order thereon which the public convenience and safety require and may by injunctions compel the respondents to comply therewith; ~~or said~~. Said officers may, after 10 days from the service of such notice, cause necessary repairs to be made and the expense thereof shall be paid by the persons, parties or corporations whose duty it is to keep such crossing safe and convenient.'

Sec. 104. R. S., c. 45, § 74, amended. The last sentence of section 74 of chapter 45 of the Revised Statutes is amended to read as follows:

'The corporation is liable for damages for its neglect to comply with these provisions, or for the neglect of any agent or for the mismanagement of an engine, to be recovered in ~~an~~ a civil action ~~on the case~~ by the person damaged thereby.'

Sec. 105. R. S., c. 46, § 13, amended. Section 13 of chapter 46 of the Revised Statutes is amended to read as follows:

'Sec. 13. Equal facilities to all expresses. Every railroad operating in the State shall furnish reasonable and equal facilities and accommodations to all persons engaged in express business for transportation of themselves, agents, servants, merchandise and other property; for the use of their stations, buildings and grounds, and for exchanges at points of junction with other roads, under a penalty of not more than \$500, to be recovered by indictment; and are liable to the aggrieved party in ~~an~~ a civil action ~~on the case~~ for damages.'

Sec. 106. R. S., c. 46, § 15, amended. Section 15 of chapter 46 of the Revised Statutes is amended to read as follows:

'Sec. 15. Railroad corporation neglecting to run trains; order of notice; hearing; receivers. Whenever any railroad corporation, after commencing to receive tolls, neglects or refuses regularly to run trains upon and to operate its road for the transportation of passengers and freight for 60 days at any one time, the Public Utilities Commission, or any 10 citizens residing in any county through which said railroad extends, may ~~petition~~ file a complaint with the Superior Court in any county through which such railroad extends, setting forth therein such neglect and refusal so to run trains and operate its road; which ~~petition~~ complaint, before ~~entry~~ filing in court, may be presented to any justice

thereof ~~in term time or vacation~~ who shall order not less than 14 days' notice thereon to be served on such corporation. The ~~petitioners~~ plaintiffs shall give written notice to the Attorney General or the county attorney of the county in which said ~~petition~~ complaint is filed, of the filing thereof, one of whom shall appear and take charge of proceedings in court. The court shall appoint a hearing, and at or after said hearing, if the allegations in such ~~petition~~ complaint are found to be true, and if in its opinion public necessity and convenience require it, the court shall appoint some suitable person or persons or some other railroad corporation, a receiver or receivers, to take possession and control of said railroad, together with all corporation property belonging thereto, and shall require such receivers to give bond to said corporation in a reasonable sum, with sureties satisfactory to the court, for the faithful discharge of their trust and shall also determine their compensation.'

**Sec. 107. R. S., c. 46, § 18, amended.** Section 18 of chapter 46 of the Revised Statutes is amended to read as follows:

'**Sec. 18. Railroad restored to corporation.** Any Justice of the Superior Court sitting in the county where the original ~~petition~~ complaint was filed, on ~~petition~~ complaint of said railroad corporation or its owners, and after reasonable notice to such receivers, may revoke their authority and restore the possession and control of said railroad to said corporation or its owners, upon their paying the principal and interest of the ~~aforsaid~~ loan then existing, together with the sum due said receivers for their personal services, with all the expenses incurred in operating and repairing said railroad and its appendages during their continuance in their said capacity, over and above the earnings thereof, provided ~~however, that~~ said railroad corporation or its owners give bond to the State in such sum as the court orders, with sureties satisfactory to the court, conditioned that said corporation or its owners thus seeking to receive possession shall operate and keep in repair said railroad, its rolling stock and other appendages to the satisfaction of the Public Utilities Commission for 5 years following said order.'

**Sec. 108. R. S., c. 46, § 23, amended.** The last sentence of section 23 of chapter 46 of the Revised Statutes is amended to read as follows:

'If said corporation neglects to build or repair such fence for 30 days after receiving such notice, it forfeits to such owner \$100, to be recovered in ~~an~~ a civil action ~~on the case~~.'

**Sec. 109. R. S., c. 46, § 26, amended.** Section 26 of chapter 46 of the Revised Statutes is amended to read as follows:

'**Sec. 26. Judgment for damages collected of foreign railroad company leasing railroad.** When any foreign railroad company, which is or has been doing business in this State as the lessee of any railroad, refuses or neglects for 60 days after demand to pay and discharge any judgment recovered by any person against the company owning such leased road for damages to the property of such person by the doings, misdoings or neglects of such foreign company, its agents or servants, which judgment belongs ~~in equity~~ to such foreign company to pay and discharge, the Superior Court, on ~~petition~~ complaint, may compel payment thereof by such foreign corporation and make, pass and enforce all necessary orders, decrees and processes for the purpose.'

**Sec. 110. R. S., c. 46, § 27, amended.** Section 27 of chapter 46 of the Revised Statutes is amended to read as follows:



## PUBLIC LAWS, 1961

## CHAP. 317

'Sec. 27. Judgment creditor may have remedy against lessors. When any such judgment is recovered and such foreign company neglects, for 60 days, to satisfy it, the judgment creditor may have ~~an~~ a civil action ~~on the case~~ against such foreign company for the recovery of the amount of such judgment, with interest and costs.'

Sec. 111. R. S., c. 46, § 29, amended. Section 29 of chapter 46 of the Revised Statutes is amended to read as follows:

'Sec. 29. Rights of holders of coupons. When coupons for interest issued with bonds are, for a valuable consideration, detached and assigned by delivery, the assignee may maintain ~~assumpsit~~ a civil action upon them in his own name against the corporation engaging to pay them.'

Sec. 112. R. S., c. 46, § 30, amended. The 2nd sentence of section 30 of chapter 46 of the Revised Statutes is amended to read as follows:

'Any party interested may present the proceedings of such meeting to the Superior Court ~~or to a justice thereof in vacation, who~~. The court shall appoint a time of hearing and order such notice to parties interested as ~~he~~ it deems proper, and may affirm such elections and make and enforce any decrees necessary for the transfer of the trust property to the new trustees.'

Sec. 113. R. S., c. 46, § 36, amended. Section 36 of chapter 46 of the Revised Statutes is amended to read as follows:

'Sec. 36. Railroad mortgages foreclosed. The trustees, on application of 1/3 of the bondholders in amount to have such mortgage foreclosed, shall immediately give notice thereof, by publishing it 3 weeks successively in the state paper and in some paper, if any, in each county into which the road extends, therein stating the date and conditions of the mortgage, the claims of the applicants under it, that the conditions thereof have been broken, and that for that reason they claim a foreclosure; ~~and they~~. They shall cause a copy of such notice and the name and date of each newspaper containing it to be recorded in the registry of deeds in every such county within 60 days from the first publication; ~~and unless~~. Unless, within 3 years from the first publication, the mortgage is redeemed by the mortgagors or those claiming under them, or ~~a bill in equity~~ equitable relief as in cases of the redemption of mortgage lands is ~~commenced~~ sought, founded on payment or a legal tender of the amount of overdue bonds and coupons, or containing an averment that the complainants are ready and willing to redeem on the rendering of an account, the right of redemption shall be forever foreclosed.'

Sec. 114. R. S., c. 46, § 38, amended. The last sentence of section 38 of chapter 46 of the Revised Statutes is amended to read as follows:

'If they neglect or refuse so to convey, the court, on application ~~in equity~~ for equitable relief, may compel them to do so.'

Sec. 115. R. S., c. 46, § 39, amended. Section 39 of chapter 46 of the Revised Statutes is amended to read as follows:

'Sec. 39. First meeting of new corporation; may adopt new name; possession and use of mortgaged property. The new corporation may call its first meeting in the manner provided for calling the first meeting of the original corporation, and may use therefor the old name, or by a notice, signed by one or more of said

bondholders, setting forth the time, place and purpose of the meeting, a copy of which is to be published in a newspaper, in the county, if any, otherwise in the state paper, 7 days before the meeting; but, at that meeting, it may adopt a new name by which it shall always thereafter be known; ~~and it.~~ It may take and hold the possession and have the use of the mortgaged property, although ~~a bill in equity, an action for equitable relief~~ to redeem is pending, and it may become a party defendant to such ~~bill action~~. This section applies to all corporations mentioned in section 54.'

**Sec. 116. R. S., c. 46, § 53, amended.** Section 53 of chapter 46 of the Revised Statutes is amended to read as follows:

'Sec. 53. Courts have jurisdiction of all disputes. The Supreme Judicial Court and the Superior Court, in addition to the jurisdiction specifically conferred by this chapter, have jurisdiction ~~as in equity~~ of all other matters in dispute, arising under ~~the preceding section~~ this chapter relating to trustees, mortgages and the redemption and foreclosure of mortgages; but not to take away any rights or remedies that any party has and may elect to enforce ~~at law, and in by any civil action~~. In all proceedings relating to trustees or to mortgages, their foreclosure and redemption, not otherwise specifically provided for ~~herein~~, the law relating to trusts and mortgages of real estate may be applied.'

**Sec. 117. R. S., c. 46, § 55, amended.** Section 55 of chapter 46 of the Revised Statutes is amended to read as follows:

'Sec. 55. Holders of unpaid scrip and bonds may foreclose mortgages. A corporation formed by the holders of such scrip or bonds, or if no such corporation has been formed, the holders of not less than a majority of such scrip or bonds, may commence a ~~suit in equity~~ civil action to foreclose such mortgage, and the court may decree a foreclosure thereof, unless the arrears are paid within such time as the court orders.'

**Sec. 118. R. S., c. 46, § 59, amended.** Section 59 of chapter 46 of the Revised Statutes is amended to read as follows:

'Sec. 59. When franchise lost, action for dissolution. Whenever any railroad corporation, by foreclosure of a mortgage or in any other method authorized by law, has finally parted with its franchise to construct, operate and maintain the railroad described in its charter, any stockholder may maintain ~~a suit in equity~~ a civil action in the Supreme Judicial Court ~~or in the~~ Superior Court for the winding up of the affairs and dissolution of such corporation. In such case the court shall order such notice to all parties interested as it may deem proper and proceed according to the usual course of ~~suits in equity~~ such civil actions; but no trustee shall be appointed, except upon motion of some party to the proceedings, and then only in the discretion of the court.'

**Sec. 119. R. S., c. 46, § 62, amended.** Section 62 of chapter 46 of the Revised Statutes is amended to read as follows:

'Sec. 62. Violation of section 61. A railroad corporation violating any provision of ~~the preceding section~~ 61 forfeits for each offense, \$100 to the State, to be recovered in ~~an~~ a civil action ~~on the case~~ or by complaint and indictment; and the Attorney General shall prosecute therefor. Said section does not apply to street railroads.'

## PUBLIC LAWS, 1961

## CHAP. 317

**Sec. 120. R. S., c. 48, § 6, amended.** Section 6 of chapter 48 of the Revised Statutes is amended to read as follows:

'Sec. 6. **Operation without certificate.** Any person, firm or corporation operating a motor vehicle or motor vehicles as described in section 1 on any street or highway in this State, without having obtained from the commission a certificate permitting such operation, may be restrained and enjoined from such operation upon ~~bill of~~ a complaint ~~in equity~~ addressed to either the Superior or the Supreme Judicial Court and brought by any certificate holder under ~~the provisions of~~ sections 1 to 18, or by any carrier of passengers for hire under any other law of this State.'

**Sec. 121. R. S., c. 48, § 14, amended.** Section 14 of chapter 48 of the Revised Statutes is amended to read as follows:

'Sec. 14. **Limitation of action.** ~~Actions of tort~~ Civil actions for injuries to the person or for death and for injuries to or destruction of property, caused by the ownership, operation, maintenance or use on the ways of the State of motor vehicles or trailers, subject to the supervision and control of the ~~public utilities~~ commission, shall be commenced only within 2 years next after the cause of action occurs.'

**Sec. 122. R. S., c. 48, § 25, sub-§ IV, amended.** The last sentence of subsection IV of section 25 of chapter 48 of the Revised Statutes is amended to read as follows:

'If appeal be taken under ~~the provisions of~~ this section, no ~~exceptions~~ appeal shall be taken under ~~the provisions of section 67 of chapter 44, section 67.~~'

**Sec. 123. R. S., c. 49, § 14, amended.** The first sentence of section 14 of chapter 49 of the Revised Statutes is amended to read as follows:

'Every vessel described in section 7 shall comply with all the terms and provisions of this chapter and with all orders, regulations and requirements of the commission; ~~and if.~~ If any such vessel is navigated without complying therewith or without the certificate of the commission, the owners and master, severally, shall forfeit to the State \$500 for each offense, half thereof to the informer, unless otherwise provided, for which sum the vessel so engaged is liable and may be proceeded against by attachment in ~~a qui tam~~ a civil action commenced within 60 days after the commission of the offense, or said penalty may be recovered by indictment.'

**Sec. 124. R. S., c. 50, § 34, amended.** Section 34 of chapter 50 of the Revised Statutes is amended to read as follows:

'Sec. 34. **Liability of owners of telegraphs for errors or delays in sending dispatches; falsifying or divulging contents of dispatch.** A person or company owning or using a line of telegraph, wholly or partly in the State, for any error or unnecessary delay in writing out, transmitting or delivering a dispatch within its delivery limits, making it less valuable to the person interested therein, is liable for the whole amount paid on such dispatch; ~~and.~~ All dispatches shall be transmitted in the order in which they are received, under a penalty of \$100 to be recovered by the person whose dispatch is willfully postponed; ~~and.~~ An operator or agent who designedly falsifies a dispatch forfeits not less than \$20 nor more

## CHAP. 317

PUBLIC LAWS, 1961

than \$100, to be recovered in ~~an~~ a civil action ~~of debt~~, and in case of his avoidance or inability to pay such judgment, the person or company employing him forfeits a like sum; ~~and if~~. If such operator or agent willfully divulges any part of the contents of a private dispatch entrusted to him for transmission or delivery, he shall be punished by a fine of not more than \$100 or by imprisonment for not more than 3 months.'

**Sec. 125. R. S., c. 50, § 39, amended.** The next to the last sentence of section 39 of chapter 50 of the Revised Statutes is amended to read as follows:

'The award and costs may be recovered in ~~an~~ a civil action ~~of debt~~, if not paid in 30 days after written demand therefor served upon the company or any of its agents; ~~the~~. The Superior Court for the county shall have jurisdiction thereof and full costs shall be allowed.'

**Sec. 126. R. S., c. 50, § 42, amended.** The last paragraph of section 42 of chapter 50 of the Revised Statutes is amended to read as follows:

'In case any way or bridge is damaged by reason of the moving of a building, the municipal officers shall determine what proportion of such damage shall be paid by the owner of said building, and the same may be recovered by the town in ~~an~~ a civil action ~~of debt~~ against the owner of said building.'

**Sec. 127. R. S., c. 50, § 44, amended.** The 3rd sentence from the end of section 44 of chapter 50 of the Revised Statutes is amended to read as follows:

'The municipal officers may establish such regulations as they deem necessary for the joint use of such poles, and in case the several parties so using such poles cannot agree as to the proportionate share each shall bear of the original cost and of the expense of maintaining such poles, or a proper annual rental for the use of the same, the municipal officers may, after hearing the parties, determine the proportionate part of such expense each party shall justly bear or a proper rental therefor; ~~personal~~. ~~Personal~~ notice shall be given to each party 14 days before the hearing; ~~and the~~. The owner of such poles may recover, in ~~an~~ a civil action ~~of assumption~~ of each party so using such poles, his share of such cost and expense or the rental as determined by the municipal officers.'

**Sec. 128. R. S., c. 50, § 45, amended.** The last 2 sentences of section 45 of chapter 50 of the Revised Statutes are amended to read as follows:

'The presiding justice at the first term of said court shall appoint 3 disinterested persons, not residents of the city or town named in the complaint, who shall, within 30 days after their appointment, after due notice and hearing, affirm the orders and decisions of the municipal officers, or amend or modify the same, or make new and further orders, decisions and regulations governing such joint use of such poles by any of the parties to the proceedings, or in relation to the proportionate share of the expense to be borne by each party using such joint poles, or the just and fair rental therefor; ~~and their~~. Their report, which shall be filed with the clerk of said court, upon being accepted by any Justice of the Superior Court ~~in term time or in vacation~~, shall be final and binding on all parties to the proceedings, except that questions of law arising under such proceedings may be reserved for decision by the law court. Any person affected by any order or decision of the municipal officers, who is not joined in the original complaint, may, on ~~petition~~ motion to the Superior Court, be joined therein at

## PUBLIC LAWS, 1961

## CHAP. 317

any time before hearing by the committee appointed under the provisions of this section.'

**Sec. 129. R. S., c. 52, § 3, amended.** Section 3 of chapter 52 of the Revised Statutes is amended to read as follows:

'**Sec. 3. Authority of directors; enforcement of assessments.** The directors shall choose one of their number president; and may make such assessments on the proprietors of the shares in such aqueduct or funds as they find necessary; ~~and if.~~ If a proprietor fails to pay such assessment for 30 days after notice, they may maintain ~~an~~ a civil action ~~on the case~~ in their corporate name to recover the amount thereof or may sell, at auction, so many of his shares as are sufficient to pay the same, with necessary charges; ~~notice.~~ Notice of the sale of such shares shall be given by advertising in some newspaper printed in the county 3 weeks successively, or by posting notifications thereof, 20 days at least before the sale, in at least 2 public places in each town wherein such aqueduct is, or is proposed to be made; ~~and the.~~ The surplus money, if any, arising from such sale shall be paid to the owner of the share so sold.'

**Sec. 130. R. S., c. 52, § 13, amended.** The first sentence of section 13 of chapter 52 of the Revised Statutes is amended to read as follows:

'For all property taken by the exercise of the right of eminent domain the owners are entitled to damages to be paid by the taker and estimated by the county commissioners, on written application of either party, made within 3 years after such taking; or, if proceedings thus commenced fail for causes not affecting the merits, new ones may be commenced within one year thereafter, and when no estimate is made within such time, the owner may maintain ~~an~~ a civil action of trespass or have any remedy ~~herein~~ provided.'

**Sec. 131. R. S., c. 52, § 19, amended.** Section 19 of chapter 52 of the Revised Statutes is amended to read as follows:

'**Sec. 19. Damages remaining unpaid; proceedings.** When the damages remain unpaid for more than 30 days after they are due and demanded or the security ~~hereinbefore provided for~~ is not deposited, ~~a bill in equity may be filed in court, in term time or vacation by~~ the person whose property is taken may file in the Superior Court a complaint praying for an injunction against the use or occupation of his property taken. If proceedings for an estimation of damages are not commenced within 3 years, and the owner of the property files a bill praying complaint therefor, the court may estimate the damages, decree their payment and issue an execution therefor; ~~and the plaintiff shall be entitled to a bill for an injunction.~~ In either case, any justice of the The court, after summary notice to the taker and upon proof of the facts, may, without any bond filed, issue an injunction prohibiting such use and occupation until all damages and costs are paid. ~~The bill shall be entered, service of it made, and continued at the next term after the injunction is issued. At the 2nd term, if~~ If payment has not been made within 90 days ~~the~~ a permanent injunction may be ~~made absolute~~ issued; and all rights acquired by taking the property cease, and the owner may maintain an action for its recovery and protection.'

**Sec. 132. R. S., c. 52, § 20, amended.** The first and last sentences of section 20 of chapter 52 are amended to read as follows:

## CHAP. 317

PUBLIC LAWS, 1961

'Service of an injunction issued against any person, whether a party to the ~~bill~~ **action** or not, may be made upon him and he shall be liable to all the penalties and consequences provided for a breach of it.

Upon service and return of such order, the court may enter such decree as is just and equitable against such persons and issue execution accordingly or may proceed against them ~~as for breach of injunction in other chancery cases.~~

**Sec. 133. R. S., c. 52, § 22, amended.** The last sentence of section 22 of chapter 52 of the Revised Statutes is amended to read as follows:

'Nothing herein contained shall preclude or stay any **civil action at law** for damages, and the owner of the land may maintain ~~an~~ **a civil action** for damages the same as if in possession.'

**Sec. 134. R. S., c. 52, § 24, amended.** The 2nd sentence of section 24 of chapter 52 of the Revised Statutes is amended to read as follows:

'A copy of the petition and order of notice thereon, attested by the clerk, shall be served upon the ~~respondent~~ **defendant.**'

**Sec. 135. R. S., c. 53, § 33, amended.** The first sentence of section 33 of chapter 53 of the Revised Statutes is amended to read as follows:

'If any corporation organized under the general laws of the State shall fail to elect directors within 6 months after the time provided in its by-laws for the annual meeting, the Supreme Judicial Court and the Superior Court shall have jurisdiction ~~in equity~~, upon application by any one or more of its stockholders holding at least 50% of the capital stock issued, to appoint a board of directors for such corporation not exceeding in membership the number authorized by the by-laws.'

**Sec. 136. R. S., c. 53, § 35, amended.** Section 35 of chapter 53 of the Revised Statutes is amended to read as follows:

'**Sec. 35. Preventing use of records and books.** Any officer or member of a corporation, who prevents access to and use of the records and books as provided in ~~the preceding~~ **section 34**, is liable for all damages occasioned thereby, in ~~an~~ **a civil action on the case.**'

**Sec. 137. R. S., c. 53, § 38, amended.** Section 38 of chapter 53 of the Revised Statutes is amended to read as follows:

'**Sec. 38. Neglect to publish statement.** If any officer of a corporation, charged by law with the duty of making and causing to be published any statement in regard to such corporation, neglects to do so, such officer, in addition to penalties already provided, forfeits \$500 to the prosecutor, to be recovered ~~by~~ **in a civil action of debt or action on the case.**'

**Sec. 138. R. S., c. 53, § 39, amended.** The last sentence of section 39 of chapter 53 of the Revised Statutes is amended to read as follows:

'Any officer or member, who votes or aids to make a dividend in violation hereof, shall be punished by a fine of not more than \$2,000 and by imprisonment for

## PUBLIC LAWS, 1961

## CHAP. 317

less than one year; ~~and all~~. All sums received for such dividends may be recovered by any creditor of the corporation in ~~an~~ a civil action ~~on the case~~.'

Sec. 139. R. S., c. 53, § 42, amended. The last sentence of section 42 of chapter 53 of the Revised Statutes is amended to read as follows:

'For the neglect or refusal of its officer to make such return, the corporation forfeits \$500, to be recovered in ~~an~~ a civil action ~~of debt~~, to be prosecuted in the name of the State by the Attorney General.'

Sec. 140. R. S., c. 53, § 43, amended. Section 43 of chapter 53 of the Revised Statutes is amended to read as follows:

'Sec. 43. Action to collect penalty. Whenever any corporation or its officers neglect to make to the Secretary of State any return required by law, the Secretary of State shall forthwith notify the Attorney General, who shall proceed at once, by action ~~of debt~~ in the name of the State, to enforce the penalties therefor and shall make itemized return thereof in his annual report. The Secretary of State, on or before the first day of July, annually, shall furnish the Attorney General with a statement showing which of said corporations, if any, have failed to comply with ~~the preceding~~ section 42, with such other memoranda from his office as will aid the Attorney General in obtaining service upon such delinquent corporation. In addition to said penalties, the following costs shall be recovered in behalf of the State against said corporation, to wit: for the Attorney General, for the ~~writ~~ summons, an attorney fee and travel and attendance at court not exceeding 2 terms; and for the State, such other costs as are legally taxable in civil actions ~~at law~~. Such action may be brought in any county.'

Sec. 141. R. S., c. 53, § 64, amended. Section 64 of chapter 53 of the Revised Statutes is amended to read as follows:

'Sec. 64. Creditor's remedies to each certificate. A creditor whose debtor is the owner of a certificate shall be entitled to such aid from courts of appropriate jurisdiction, by injunction and otherwise, in attaching such certificate or in satisfying the claim by means thereof as is allowed ~~at law or in equity~~ in regard to property which cannot readily be attached or levied upon by ordinary legal process.'

Sec. 142. R. S., c. 53, § 85, amended. Section 85 of chapter 53 of the Revised Statutes is amended to read as follows:

'Sec. 85. Remedy of dissenting stockholder. If any stockholder in any corporation which shall vote to sell, lease, consolidate or in any manner part with its franchises or its entire property, or any of its property, corporate rights or privileges essential to the conduct of its corporate business and purposes, otherwise than in the ordinary and usual course of its business, shall vote in the negative and shall file his written dissent therefrom with the president, clerk or treasurer of such corporation within one month from the day of such vote, the corporation in which he is a stockholder may, within one month after such dissent is so filed, ~~enter a petition with~~ file a complaint seeking equitable relief ~~the Supreme Judicial Court or in the Superior Court sitting in equity~~ in the county where it held its last annual meeting, ~~in term time or in vacation~~ setting forth in substance the material facts of the transaction, the action of the corporation thereon, the names and residences of all dissenting stockholders whose dissents were so filed, making such dissenting stockholders parties thereto, and

praying that the value of the shares of such dissenting stockholder may be determined and for other appropriate relief.'

Sec. 143. R. S., c. 53, § 86, amended. Section 86 of chapter 53 of the Revised Statutes is amended to read as follows:

'Sec. 86. If corporation fails to seek equitable relief, dissenting stockholder may enter and prosecute the same. If any such corporation shall fail to ~~enter such petition as aforesaid~~ file a complaint seeking such equitable relief, any stockholder dissenting as aforesaid may within one month thereafter ~~enter such petition~~ file a complaint seeking such relief and prosecute the same, making such corporation party defendant. In either case the court shall fix the time of hearing and shall order notice thereof to all parties interested, by publication in some newspaper or newspapers at least 2 weeks successively and such personal service as is required ~~upon bills in equity in civil actions.~~'

Sec. 144. R. S., c. 53, § 87, amended. The first sentence of section 87 of chapter 53 of the Revised Statutes is amended to read as follows:

'The court or any justice thereof ~~in term time or in vacation~~ shall hear the parties and determine as soon as practicable the value of the stock of such dissenting stockholders; and shall make and enforce all such orders and decrees as may be necessary to secure to such stockholders all their rights.'

Sec. 145. R. S., c. 53, § 88, amended. The first sentence of section 88 of chapter 53 of the Revised Statutes is amended to read as follows:

'Within 30 days after filing the decree determining such values ~~as aforesaid~~, either party may enter an appeal therefrom to the law court as in ~~the case of ordinary bills in equity civil actions in which equitable relief is sought.~~

Sec. 146. R. S., c. 53, § 104, amended. Section 104 of chapter 53 of the Revised Statutes is amended to read as follows:

'Sec. 104. Injunction against continuing business. Whenever any corporation shall become insolvent or be in imminent danger of insolvency, or whenever through fraud, neglect or gross mismanagement of its affairs or through attachment, litigation or otherwise its estate and effects are in danger of being wasted or lost, or whenever it has ceased to do business or its charter has expired or been forfeited, upon application of any creditor or stockholder by ~~bill in equity~~ complaint seeking equitable relief filed in ~~the Supreme Judicial Court or~~ the Superior Court in the county in which it has an established place of business or in which it held its last stockholders' meeting, upon which ~~bill~~ request such notice shall be given as may be ordered by ~~any justice of either of such courts, in term time or vacation, either of such courts~~ court, the court may, if it finds that sufficient cause exists, issue an injunction, both ~~temporary~~ preliminary and permanent, restraining said corporation, its officers and agents from receiving any moneys, paying any debts, selling or transferring any assets of the corporation or exercising any of its privileges or franchises until further order; and may at any time make a decree dissolving said corporation.'

Sec. 147. R. S., c. 53, § 105, amended. The 2nd sentence of section 105 of chapter 53 of the Revised Statutes is amended to read as follows:



## PUBLIC LAWS, 1961

## CHAP. 317

'All attachments, made within 4 months before the filing of any such ~~bill in equity~~ complaint seeking equitable relief wherein a receiver is so appointed, shall thereupon be dissolved.'

Sec. 148. R. S., c. 53, § 106, amended. Section 106 of chapter 53 of the Revised Statutes is amended to read as follows:

'Sec. 106. Authority of receiver; to report to court. Such receiver shall have power to institute or defend ~~suits at law or in equity~~ actions in his own name as receiver, to demand, collect and receive all property and assets of said corporation, to sell, transfer or otherwise convert the same into cash and to conduct and carry on the business of said corporation, as ordered by the court, if it appears for the best interests of all concerned. He shall report to the court at least as often as every 6 months a statement of all the assets and liabilities of said corporation, and from time to time shall distribute the assets of said corporation as provided in section 110.'

Sec. 149. R. S., c. 53, § 109, amended. Section 109 of chapter 53 of the Revised Statutes is amended to read as follows:

'Sec. 109. Jurisdiction. The court shall have jurisdiction ~~in equity~~ of all proceedings hereunder and may make such orders and decrees as equity may require.'

Sec. 150. R. S., c. 53, § 111, amended. Section 111 of chapter 53 of the Revised Statutes is amended to read as follows:

'Sec. 111. Equitable relief against corporations for dissolution; if no liabilities, dissolution had without trustees. Except where otherwise provided by statute, whenever at any meeting of its stockholders, legally called therefor, such stockholders vote to dissolve such corporations, a ~~bill in equity~~ complaint seeking equitable relief against the same for dissolution thereof may be filed by any officer, stockholder or creditor in ~~the Supreme Judicial Court or the Superior Court~~ in the county in which it has an established place of business or in which it held its last stockholders' meeting; ~~upon~~. Upon said ~~bill~~ action, notice shall be given by the clerk of courts to the Attorney General and such notice shall be given to others as may be ordered by any justice of ~~either of said courts~~ court, ~~in term time or vacation~~ and upon proof thereof, such proceedings may be had according to the usual course of ~~suits in equity~~ civil actions in which equitable relief is sought that said corporation shall be dissolved and terminated. Upon proof that there are no existing liabilities against said corporation and no existing assets thereof requiring distribution among the stockholders, said court may dissolve said corporation without the appointment of trustees or receivers.'

Sec. 151. R. S., c. 53, § 112, amended. The first paragraph of section 112 of chapter 53 of the Revised Statutes is amended to read as follows:

'Said courts have jurisdiction in said cause to appoint receivers, issue injunctions and pass interlocutory decrees and orders according to the usual course of ~~proceedings~~ civil actions in equity which equitable relief is sought; and shall ~~moreover~~ upon dissolving said corporation or upon terminating its charter, appoint one or more trustees, who shall have all the powers conferred upon similar trustees by ~~the provisions of~~ sections 103, 110 and 124 or by any other law of the State, with such special powers as may be given them by said court; ~~but, notwithstanding~~. Notwithstanding the appointment of such trustees, said

court may superintend the collection and distribution of the assets of said corporation and may retain said ~~bill~~ action for that purpose.'

Sec. 152. R. S., c. 53, § 115, amended. Section 115 of chapter 53 of the Revised Statutes is amended to read as follows:

'Sec. 115. Judgment creditor may request for equitable relief. When such a corporation has unlawfully made a division of any of its property, or has property which cannot be attached or is not by law attachable, any judgment creditor may file a ~~bill in equity~~ complaint seeking equitable relief in ~~the Supreme Judicial Court or the Superior Court~~, setting forth the facts and the names of such persons as are alleged to have possession of any of such property or choses in action, either before or after division; ~~names~~. Names of defendants may be struck out or added by leave of court; costs awarded at discretion and service made on the defendants named, as in other ~~equity suits~~ civil actions in which equitable relief is sought. They shall, in answer thereto, disclose on oath all facts within their knowledge relating to such property in their hands or received by a division among stockholders. When either of them has the custody of the records of the corporation, he shall produce them and make extracts therefrom and annex them to his answer, as the court directs.'

Sec. 153. R. S., c. 53, § 116, amended. Section 116 of chapter 53 of the Revised Statutes is amended to read as follows:

'Sec. 116. Proceedings, trial and decree in the action. The court shall determine, with or without a jury, whether the allegations in the ~~bill~~ complaint are sustained, and it may decree that any such property shall be paid to such creditor in satisfaction of his judgment and cause such decree to be enforced as in ~~other chancery~~ civil actions in which equitable relief is sought. Any question arising may, at the election of either party, be submitted to the decision of a jury under the direction of the court.'

Sec. 154. R. S., c. 53, § 124, amended. Section 124 of chapter 53 of the Revised Statutes is amended to read as follows:

'Sec. 124. Proceedings by action; stockholder not liable unless debt was contracted during ownership of stock, nor for mortgage debt. Any person having such judgment or any such trustees, receivers or other persons appointed to close up the affairs of an insolvent corporation may, within 2 years after their right of action herein given accrues, commence ~~an~~ a civil action ~~on the case or bill in equity~~, without demand or other previous formalities, against any persons, ~~if a bill in equity jointly or severally, otherwise severally~~ who have subscribed for or agreed to take stock in said corporation and have not paid for the same; or who have received dividends declared from the capital stock or in violation of law; or who have withdrawn any portion of the capital stock, or canceled and surrendered any of their stock and received any valuable consideration therefor from the corporation, except its own stock or obligation therefor; or who have transferred any of their stock to the corporation as collateral security or otherwise and received any valuable consideration therefor ~~as afore-said; and in~~. In such action they may recover the amount of the capital stock so remaining unpaid or withdrawn, not exceeding the amounts of said judgments or the deficiency of the assets of such insolvent corporation. No stockholder is liable for the debts of the corporation not contracted during his ownership of such unpaid stock, nor for any mortgage debt of said corporation; ~~and no~~. No action for the recovery of the amounts ~~hereinbefore~~ mentioned shall be main-

## PUBLIC LAWS, 1961

## CHAP. 317

tained against a stockholder unless proceedings to obtain judgment against the corporation are commenced during the ownership of such stock or within one year after its transfer by such stockholder is recorded on the corporation books.'

**Sec. 155. R. S., c. 53, § 125, amended.** Section 125 of chapter 53 of the Revised Statutes is amended to read as follows:

'**Sec. 125. Evidence in defense.** A defendant in such ~~suit~~ action may prove that he has already in good faith paid, by himself or through another person who has assumed his stock or subscription, to any person holding a bona fide judgment, or to any such trustee or receiver, or other person authorized to receive it, or to the corporation itself, the whole or any part of any amounts for which he would be liable under the provisions of this chapter; or that he has already in good faith and without collusion been sued for and is still in peril of being compelled to pay such amounts in whole or in part to some other person, in which latter case the ~~suit~~ action may be continued to await, on payment of defendant's costs from term to term; or he may prove that the amounts illegally received by him from said corporation were received more than 2 years before the claim arose on which such judgment was obtained, or if the ~~suit~~ action is by trustees, receivers or other such person, more than 2 years before the commencement of the legal proceeding by virtue of which such corporation passed into the hands of trustees or receivers; or he may prove the invalidity of such judgment in any particular by which ~~could avail~~ the corporation ~~could have relief from the judgment on a writ of error~~ or that said judgment was not bona fide; or he may prove that he has bona fide claims in contract or tort, several or joint with other persons against said corporation, absolute or contingent, or which could be ~~availed of by setoff~~ asserted by counterclaim in court or on execution for the whole or any part of the amounts for which he would be liable under the provisions of this chapter; or in case his stock was transferred to such corporation as collateral security or as payment, he may either prove that the same was so transferred in good faith as security or payment for or of, an anterior liability incurred without any concurrent agreement for the transfer of such stock and for which the corporation was unable to obtain other sufficient security or payment, or in such case he may prove that whatever sum was received thereon, has been in whole or part repaid to such corporation; and proof of any of such matters is a full or partial defense for such defendant.'

**Sec. 156. R. S., c. 53, § 126, amended.** Section 126 of chapter 53 of the Revised Statutes is amended to read as follows:

'**Sec. 126. Stockholders, paying for corporation, may recover contribution.** When members of a corporation are liable for its debts, or for any acts of its officers or members, or to contribute for money paid on account of such debts or acts, the amount due may be recovered of such corporation ~~by an~~ in a civil action ~~at law or a bill in equity, and the~~. The court may make all necessary orders and decrees.'

**Sec. 157. R. S., c. 57, § 33, amended.** The first sentence of section 33 of chapter 57 of the Revised Statutes is amended to read as follows:

'Where any property in the State, dedicated and ordained for pious uses, has no proper or legal custodian, so that it is becoming wasted and the utility thereof is lost, upon the application of any person or patriotic or religious society interested in having such property preserved and applied to the uses for which it was originally intended, or for some public or patriotic purpose, the Attorney

General shall file a ~~bill in equity~~ complaint seeking equitable relief, in the nature of an information, against such property and all persons interested therein, praying for the appointment of trustees to care for such property and for the proper application and disposal thereof, and the court may order such notice as seems proper, and may appoint receivers or trustees therefor, and upon final decree, may order the care, custody, sale, application or disposal of such property as will best serve the purposes for which it was originally intended, or some public or patriotic purpose.'

**Sec. 158. R. S., c. 57, § 40, amended.** Section 40 of chapter 57 of the Revised Statutes is amended to read as follows:

'Sec. 40. Proprietors dissenting, entitled to appraised value of their interest; limitation and forfeiture. When it is decided to repair, remodel or rebuild a meetinghouse, any owner or proprietor dissenting from the action of the majority and declining to take an interest in the house as altered may demand and receive of such majority the appraised value of his interest after deducting his proportion of debts against the property, to be recovered in ~~an~~ a civil action ~~for money had and received~~; which shall not be commenced until 30 days after such demand, nor after the lapse of a year after notice is posted for 3 successive weeks on the meetinghouse door and some other conspicuous place in its precinct, stating the persons to whom the money is to be paid, the amount payable to each and the time limited for payment. If said sums are not demanded within said time, they are forfeited to the majority for parish uses. ~~The provisions of this~~ This section ~~do~~ does not apply to any case where the repairs decided upon are only such as are necessary to keep such meetinghouse in a tenable condition.'

**Sec. 159. R. S., c. 57, § 64, amended.** Section 64 of chapter 57 of the Revised Statutes is amended to read as follows:

'Sec. 64. Return of doings of committee. The members of the committee shall make return of said warrant and their doings thereon, to the ~~next~~ Superior Court in the county, after having completed the service; which, being accepted by the court and recorded in the registry of deeds in the county or registry district where the land is situated, within 6 months, shall be a legal assignment and location of such reserved proportions, for the uses designated; ~~and thereafter.~~ Thereafter the land so set off and located shall be under the care and oversight of the trustees of the ministerial and school funds of the town, with all the powers and subject to the duties prescribed in this chapter, including the power to sell and convey the same.'

**Sec. 160. R. S., c. 58, § 3, amended.** The last sentence of section 3 of chapter 58 of the Revised Statutes is amended to read as follows:

'The penalties ~~above provided for~~ shall be recovered in ~~an~~ a civil action of debt brought in the name and for the use of any chapter of the Daughters of the American Revolution or post of the American Legion against such negligent town, parish, religious society, individual, association or corporation.'

**Sec. 161. R. S., c. 58, § 4, amended.** Section 4 of chapter 58 of the Revised Statutes is amended to read as follows:

'Sec. 4. Neglect of town or parish officers. If such officers, treasurer or committee neglect so to apply such fines, they each forfeit the amount thereof, in ~~an~~ a civil action of debt, to any person suing therefor.'

Sec. 162. R. S., c. 59, § 72, amended. The 2nd sentence of section 72 of chapter 59 of the Revised Statutes is amended to read as follows:

'He shall collect all debts due and claims belonging to it, and upon the order or decree ~~of the Supreme Judicial or of the Superior Court, or any justice thereof in term time or vacation~~ may sell or compound all bad or doubtful debts, and on like order or decree may sell for cash or other consideration or as provided by law all or any part of the real and personal property of the corporation on such terms as the court shall direct; and, in the name of such corporation, may take a mortgage on such real property from a bona fide purchaser to secure the whole or part of the purchase price, upon such terms and for such periods as the court shall direct; and on like order or decree he may borrow money and issue evidence of indebtedness therefor, and to secure the repayment of the same may mortgage, pledge, transfer in trust or hypothecate any or all of the property of such institution, whether real, personal or mixed, superior to any charge thereon for expenses of liquidation.'

Sec. 163. R. S., c. 59, § 74, amended. Section 74 of chapter 59 of the Revised Statutes is amended to read as follows:

'Sec. 74. Attachments dissolved and actions discontinued; judgment recovered, added to claims. All attachments of the property of the savings bank shall be dissolved by the decree of sequestration, and all pending ~~suits~~ actions discontinued and the claim ~~in suit~~ presented to the commissioners, unless the ~~court or some justice thereof in vacation~~ Superior Court, on application of the plaintiff within 3 months from said decree, passes an order allowing the receiver to be made a party to the ~~suit~~ action and that the same may be prosecuted to final judgment. After a decree of sequestration, no action ~~at law~~ shall be maintained on any claim against the bank unless the Superior Court ~~or a justice thereof in vacation~~, on application therefor within the time ~~above~~ named, authorizes it, and in such case the receiver shall be made a party; ~~any~~. Any judgment recovered ~~as herein provided~~ shall be added to the claims against the bank.'

Sec. 164. R. S., c. 59, § 76, amended. Section 76 of chapter 59 of the Revised Statutes is amended to read as follows:

'Sec. 76. Court may reduce deposit accounts. Whenever a savings bank is insolvent by reason of loss on or depreciation in the value of any of its assets without the fault of its trustees, ~~the Supreme Judicial Court or the Superior Court in term time or any justice thereof in vacation~~ shall, on ~~petition~~ complaint in writing of a majority of the trustees and the ~~bank~~ commissioner setting forth the facts, appoint a time for the examination of the affairs of such corporation, and cause notice thereof to be given to all parties interested, in such manner as may be prescribed; ~~and if~~. If upon examination of its assets and liabilities and from other evidence, he is satisfied of the facts set forth in said ~~petition~~ complaint and that the corporation has not exceeded its powers nor failed to comply with any of the rules, restrictions and conditions provided by law, he may, if he deems it for the interest of the depositors and the public, by proper decree reduce the deposit account of each depositor so as to divide such loss pro rata among the depositors, thereby rendering the corporation solvent so that its further proceedings will not be hazardous to the public or those having or placing funds in its custody. The depositors shall not draw from such corporation a larger sum than is thus fixed by the court, except as ~~hereinafter~~ authorized; ~~provided, however, that its~~. Its treasurer shall keep an accurate account of all sums received for such assets of the corporation held by it at the time of filing such ~~petition~~ complaint; ~~and if~~. If a larger sum is realized therefrom

than the value estimated ~~as aforesaid~~ by the court, he shall, at such times as the court prescribes, render to the court a true account thereof, and thereupon the court, after due notice to all parties interested, shall declare a pro rata dividend of such excess among the depositors at the time of filing the ~~petition~~ **complaint**. Such dividend may be declared by the court, whenever the court deems it for the interest of the depositors and the public, whether all or only a portion of such assets has been reduced to money; ~~and any~~. Any such dividend may at any time, in the discretion of the court, be declared to be a final one. No deposit shall be paid or received by such corporation after the filing of the ~~petition~~ **complaint** until the decree of the court, reducing the deposits ~~as herein provided~~. If the ~~petition~~ **complaint** is denied, the ~~bank~~ commissioner shall proceed to wind up the affairs of the corporation as provided in section 72.'

**Sec. 165. R. S., c. 59, § 77, amended.** The first sentence of section 77 of chapter 59 of the Revised Statutes is amended to read as follows:

'Whenever it may become necessary to preserve the assets or protect depositors in a savings bank, ~~the Supreme Judicial Court or the Superior Court in equity,~~ on application of the ~~bank~~ commissioner or trustees of such bank may, after due notice, make an order restraining the bank from paying out its funds or any portion thereof or from declaring or paying any dividends or deposits for such time as the court shall deem advisable.'

**Sec. 166. R. S., c. 59, § 89, amended.** Section 89 of chapter 59 of the Revised Statutes is amended to read as follows:

'**Sec. 89. Appeal.** Any person aggrieved by anything done or omitted to be done under ~~the provisions of~~ sections 81 to 89 may ~~petition appeal by filing a complaint in any justice of the Superior or Supreme Judicial Court sitting in equity for seeking~~ an order annulling, altering or amending such act, or enjoining the performance thereof, or requiring action to be taken under any provision of said sections, within 10 days after he shall have had notice of such act or failure to act, in person or by publication of a certificate thereof signed by the ~~bank~~ commissioner or by the president or treasurer of the corporation in one issue of a newspaper of general circulation printed and published in the city or town in which the corporation is located, if any, otherwise in the same county. ~~Such petitions shall be prosecuted according to the usual practice in equity proceedings.~~

**Sec. 167. R. S., c. 59, § 111, amended.** Section 111 of chapter 59 of the Revised Statutes is amended to read as follows:

'**Sec. 111. Administrators, etc., may deposit.** An administrator, executor, assignee, guardian, conservator, receiver or trustee, any court ~~of law or equity,~~ including courts of probate and insolvency, officers and treasurers of towns, cities, counties and savings banks of the State may deposit any moneys, bonds, stocks, evidences of debt or of ownership in property or any personal property with said corporation, and any of said courts may direct any person deriving authority therefrom to so deposit the same.'

**Sec. 168. R. S., c. 59, § 114, amended.** The last 2 sentences of section 114 of chapter 59 of the Revised Statutes are amended to read as follows:

'If they are not paid within 30 days or such further time as said ~~bank~~ commissioner shall determine, he shall report the facts to the Attorney General, who shall commence ~~suit~~ a civil action in the name and for the benefit of such com-

## PUBLIC LAWS, 1961

## CHAP. 317

pany for the collection of the same. The Attorney General may employ special counsel to prosecute said ~~suit~~ civil action, and said company shall pay all expenses thereof, to be recovered in ~~an~~ a civil action ~~of debt~~ in the name of the State.'

Sec. 169. R. S., c. 59, § 120, amended. The 4th sentence from the end of section 120 of chapter 59 of the Revised Statutes, as amended by section 2 of chapter 29 of the public laws of 1959, is further amended to read as follows:

'After payment into the State Treasury of such deposits, no action ~~at law or in equity~~ shall be maintained in any court in this State by any depositor or his heirs, successors or assigns against any bank making such payments.'

Sec. 170. R. S., c. 59, § 127, amended. The 7th and 8th sentences of section 127 of chapter 59 of the Revised Statutes are amended to read as follows:

'Any stockholder aggrieved by any action of the ~~bank~~ commissioner or the directors of such company under the foregoing provisions may, within 10 days after receiving notice thereof, apply by ~~bill in equity or other~~ appropriate proceedings to a ~~Justice of the Supreme Judicial Court or of the Superior Court~~ whose decision, after due hearing, shall be final in the matters complained of. In the event that the directors of any trust company upon notification by the ~~bank~~ commissioner ~~as hereinafter provided~~ shall not vote within 10 days after receipt of said notification to make an assessment upon the stock under the foregoing provisions, the ~~bank~~ commissioner or the directors of such company may file a complaint in the ~~Supreme Judicial Court or the Superior Court in equity~~, setting forth the fact that such capital stock is impaired and asking said court to order an assessment upon the capital stock ~~aforsaid~~ sufficient to meet the impairment and make the corporation solvent.'

Sec. 171. R. S., c. 59, § 130, amended. Section 130 of chapter 59 of the Revised Statutes is amended to read as follows:

'Sec. 130. Examination and revaluation. Whenever, in the opinion of a majority of the directors or the executive committee of any trust company, organized under the laws of the State, and the ~~bank~~ commissioner, it will be for the benefit of the depositors and the public for the assets of the trust company to be revalued, the bank reorganized and put in sound condition, ~~any Justice of the Supreme Judicial the Superior Court~~ shall, on ~~petition in equity~~ a complaint by the ~~bank~~ commissioner setting forth the facts, appoint a time for the examination of the affairs of such trust company and cause notice thereof to be given to all parties interested in such manner as may be prescribed and, upon examination of its assets and liabilities he may, if he deems it for the benefit of the public and the depositors, issue decrees necessary to carry out ~~the provisions of~~ sections 130 to 143. In such examination of assets there shall be included the liability of stockholders to assessment.'

Sec. 172. R. S., c. 59, § 132, amended. Section 132 of chapter 59 of the Revised Statutes is amended to read as follows:

'Sec. 132. Negotiable certificates. The trust company described in section 130 shall issue to each depositor a certificate showing the amount of the deficit charged to his account, which said certificate shall be negotiable and shall bear no interest. No dividend or profit shall thereafter be made in liquidation of common stock until said certificate shall have been paid in full with interest com-

pounded at the rate of 3% per year; otherwise, said certificate shall not be deemed to be a liability of the corporation; ~~provided that the~~. The holder of said certificate, the commissioner or the corporation shall be entitled to ~~petition~~ **file a complaint with** the court, after one year from the date thereof, for an order of distribution whenever the condition of the corporation, taking into account the rights of creditors and preferred stockholders, warrants such payment.'

**Sec. 173. R. S., c. 59, § 133, amended.** The first sentence of section 133 of chapter 59 of the Revised Statutes is amended to read as follows:

'The court may on ~~petition~~ **a complaint filed** by the ~~bank~~ commissioner appoint one or more conservators for such trust company described in section 130 and require such bond as the court deems proper.'

**Sec. 174. R. S., c. 59, § 136, amended.** Section 136 of chapter 59 of the Revised Statutes is amended to read as follows:

'**Sec. 136. Dissolution of attachments.** The court may dissolve all attachments on the property of the trust company made within 4 months before the ~~filing of the petition~~ **filing of the complaint**; cancel leases, contracts and all other claims as in receivership proceedings, discontinue all ~~suits~~ **actions** pending against said trust company and fix the rights of said claimants, and adjudicate and fix the time and mode of payment of all claims, accounts and deposits having priority.'

**Sec. 175. R. S., c. 59, § 137, amended.** The first 4 sentences of section 137 of chapter 59 of the Revised Statutes are amended to read as follows:

'The ~~petition~~ **relief sought in the complaint** described in section 130 filed by the ~~bank~~ commissioner ~~addressed to any Justice of the Supreme Judicial Court~~ shall not be granted without hearing. It shall not be granted if objected to in writing by the time and demand depositors of said trust company who are credited with the majority in amount of the trust and demand deposits. The ~~justice court~~ shall appoint immediately upon the filing of ~~said petition~~ **such complaint** a conservator with authority to act pending hearing. Any depositor may be permitted to intervene as party plaintiff in any ~~bill in equity~~ **filed complaint** filed hereunder and may be heard thereon.'

**Sec. 176. R. S., c. 59, § 190, amended.** Section 190 of chapter 59 of the Revised Statutes is amended to read as follows:

'**Sec. 190. Limitation of actions to recover money paid on forged signatures.** No civil action ~~at law or in equity~~ to recover money by any depositor shall be maintained against any bank, savings bank or trust company, if the depositor denies the signature on any order drawn on any savings bank, or savings deposit or certificates of deposit in any bank or trust company, or on any receipt for payment by such bank, savings bank or trust company, unless such action is begun and service made thereon within 3 years from the date of such payment.'

**Sec. 177. R. S., c. 59, § 239, amended.** Section 239 of chapter 59 of the Revised Statutes is amended to read as follows:

'**Sec. 239. Appeals.** Appeals may be taken by any person aggrieved by any decision of the commissioner under ~~the provisions of~~ sections 228 to 239 to a



## PUBLIC LAWS, 1961

## CHAP. 317

~~Justice of~~ the Superior Court, by ~~petition~~ filing a complaint addressed to with that court, stating the decision complained of. No such appeal from a refusal to grant registration shall lie until after formal hearing, which formal hearing ~~however~~ the commissioner in his discretion may waive for the purpose of expediting the appeal. Upon such ~~petition~~ complaint, citation shall be issued to the commissioner, who shall ~~file an~~ answer to the ~~petition~~ complaint, stating therein his reasons for the decision. The court may, in its discretion, after hearing the commissioner or his representative, suspend the order of the commissioner, pending the determination of the ~~petition~~ complaint upon its merits, and may, after final hearing thereon, make such decree in connection with the matter complained of as justice may require. The court shall make provision for summary hearing and determination of such ~~petitions~~ complaints so far as in its discretion seems desirable.'

Sec. 178. R. S., c. 59, § 240, amended. The last sentence of section 240 of chapter 59 of the Revised Statutes is amended to read as follows:

'~~Authorization~~ Jurisdiction is conferred upon the Supreme Judicial Court and the Superior Court ~~in equity~~ to enjoin, upon application a complaint filed by the ~~bank~~ commissioner or any party in interest, any violation or threatened violation of any of the ~~foregoing~~ provisions of this chapter.'

Sec. 179. R. S., c. 59, § 244, amended. The first 2 sentences of section 244 of chapter 59 of the Revised Statutes are amended to read as follows:

'Unless ordered by decree of ~~the Supreme Judicial Court or of~~ the Superior Court, ~~in equity~~ the bank or trust company operating such common trust funds is not required to render a court accounting with regard to such funds; but it, as accountant, may by petition to ~~the Supreme Judicial Court~~ the Superior Court or the probate court, in the county where the accountant has its principal place of business, secure approval of such accounting on such conditions as the court may establish. Whenever a petition for the allowance of such an account is presented, ~~the judge of~~ the court having jurisdiction thereof shall assign a time and place for hearing and shall cause public notice thereof to be given, meaning thereby notice published 3 weeks successively in a newspaper published in the county whose court has jurisdiction; ~~and in.~~ In addition thereto said ~~judge court~~ shall, except to such extent as the several instruments creating the trusts participating in such common trust fund provide otherwise, order personal notice upon all known beneficiaries of the participating trust estates who have a place of residence known to the accountant.'

Sec. 180. R. S., c. 59, § 251, sub-§ IV, amended. The first 2 sentences of subsection IV of section 251 of chapter 59 of the Revised Statutes are amended to read as follows:

'Within 30 days after receipt of notice of any such suspension or revocation of a license, the person aggrieved may appeal therefrom to ~~any justice of~~ the Superior Court by ~~presenting to him~~ filing a ~~petition~~ complaint therefor ~~in term time or vacation.~~ Such justice The court shall fix a time and place for hearing ~~which may be in vacation~~ and cause notice thereof to be given to the ~~Bank~~ commissioner; ~~and after.~~ After hearing, ~~such justice~~ the court may affirm or reverse the decision of the ~~Bank~~ commissioner.'

Sec. 181. R. S., c. 60, § 6, amended. The 3rd sentence of section 6 of chapter 60 of the Revised Statutes is amended to read as follows:

## CHAP. 317

PUBLIC LAWS, 1961

'Any such insurance company, receiving such notice from the commissioner, may within 30 days thereafter ~~file an appeal in~~ to the Superior Court ~~to be holden~~ in Kennebec County by ~~filing a complaint~~ stating therein its reasons and containing a copy of the commissioner's notification, and after such notice as it shall order, and upon hearing, said court shall determine whether or not the reasons assigned by the commissioner are valid and thereupon sustain or annul said ruling.'

Sec. 182. R. S., c. 60, § 11, amended. The first sentence of section 11 of chapter 60 of the Revised Statutes is amended to read as follows:

'No ~~bill in equity, or other~~ proceedings for the appointment of a receiver of a domestic life insurance company, or to wind up its affairs, shall be maintained by any other person than the commissioner.'

Sec. 183. R. S., c. 60, § 25, amended. The last 2 sentences of section 25 of chapter 60 of the Revised Statutes are amended to read as follows:

'Any company which has made such deposit, or the commissioner or any creditor of such company may at any time commence ~~a suit in equity~~ a civil action in ~~the Supreme Judicial Court or in~~ the Superior Court against the State and other parties properly joined therein to enforce, administer or terminate the trust created by such deposit. The process in such ~~suit~~ action shall be served on the Treasurer of State and Attorney General, who shall appear and answer on behalf of the State and perform such orders and decrees as the court may make therein.'

Sec. 184. R. S., c. 60, § 34, amended. Section 34 of chapter 60 of the Revised Statutes is amended to read as follows:

'Sec. 34. Dissolution of domestic mutual insurance companies. Whenever at any meeting of the policyholders of a domestic mutual insurance company, except life, called for the purpose by notice published once weekly on 3 successive weeks in a newspaper printed in each county of the State in which the company is chartered to operate, the last publication being at least 7 days prior to such meeting, the majority of the policyholders and shareholders present and voting, vote to dissolve such company, a ~~bill in equity~~ complaint against the same for dissolution thereof may be filed by any officer, shareholder, member or creditor in ~~the Supreme Judicial Court or~~ the Superior Court in the county in which it has its principal place of business. Upon said ~~bill~~ complaint, notice shall be given by the clerk of courts to the Attorney General and the ~~insurance~~ commissioner and such notice shall be given to others as may be ordered by ~~any justice of either of said courts, in term time or in vacation~~ the court, and upon proof thereof, such proceedings may be had according to the usual course of ~~suits in equity~~ civil actions that said corporation be dissolved and terminated. Upon proof that there are no existing liabilities against said corporation and no existing assets thereof requiring distribution among the shareholders, said court may dissolve said company without the appointment of trustees or receivers. Assets remaining after payment of the costs of dissolution, claims against the company and repayment of the guaranty capital shall be paid to the Treasurer of State for the use of the State.'

Sec. 185. R. S., c. 60, § 60, amended. Section 60 of chapter 60 of the Revised Statutes is amended to read as follows:

## PUBLIC LAWS, 1961

## CHAP. 317

'Sec. 60. **Appeal.** When the commissioner suspends the operations of a company or, on application, refuses to countermand such suspension, it may appeal to a Justice of the Supreme Judicial Court or of the Superior Court by presenting to him a petition filing a complaint therefor in term time or vacation, and he the court shall fix a time and place of hearing which may be at chambers and in vacation, and cause notice thereof to be given to the commissioner; and after. After the hearing, he the court may affirm or reverse the decision of the commissioner; and the. The decision of such justice court is final.'

Sec. 186. R. S., c. 60, § 62, amended. The first sentence of section 62 of chapter 60 of the Revised Statutes is amended to read as follows:

'Any person having a claim against any foreign insurance company may bring a trustee action or any other appropriate ~~suit~~ action therefor in the courts of this State.'

Sec. 187. R. S., c. 60, § 70, amended. Section 70 of chapter 60 of the Revised Statutes is amended to read as follows:

'Sec. 70. **Liability of stockholders, in certain cases.** If any stock company becomes insolvent before its whole capital is paid in by the stockholders, any creditor thereof may ~~have his~~, in a civil action ~~on the case~~ against any one or more of the stockholders, whose proportion of the whole stock allowed by the charter is not paid in, ~~to~~ recover against them in their individual capacity towards his debt, an amount not exceeding the sum due from them on their shares.'

Sec. 188. R. S., c. 60, § 85, amended. The next to the last sentence of section 85 of chapter 60 of the Revised Statutes is amended to read as follows:

'Any such sum or sums so advanced or so borrowed shall not form a part of the legal liabilities of such insurer and shall not be a basis of any ~~setoff~~ counterclaim; but until repaid all statements published by such insurer or filed with the commissioner shall show, as a footnote thereto, the amount thereof then remaining unpaid.'

Sec. 189. R. S., c. 60, § 94, amended. The first sentence of section 94 of chapter 60 of the Revised Statutes is amended to read as follows:

'Whenever the directors of a mutual fire insurance company or a mutual marine insurance company make an assessment or call on its members for money, or by vote determine that there exists a necessity for such assessment or call, they, or any person interested in the company as an officer, policyholder or creditor, may ~~apply to file in the Supreme Judicial Court or to the Superior Court in any county, by a petition in the nature of a bill in equity~~ complaint, praying the court to examine said assessment or call or to determine the necessity therefor and all matters connected therewith, and to ratify, amend or annul the assessment or call or to order that the same be made as law and justice may require; ~~provided that such.~~ The application decision on such complaint, when ~~made~~ filed by any party except the corporation, or a receiver or the commissioner, shall rest in the discretion of the court.'

Sec. 190. R. S., c. 60, § 95, amended. Section 95 of chapter 60 of the Revised Statutes is amended to read as follows:

'Sec. 95. Order of notice to parties interested and proceedings. The court before which the ~~petition~~ complaint described in the preceding section 94 is filed shall order notice to all parties interested, by publication or otherwise ~~and the petition may be filed in vacation, in which case the order of notice may be made by any justice of the court; and upon~~. Upon the return thereof, the court shall proceed to examine the assessment or call, the necessity therefor and all matters connected therewith; ~~any~~. Any parties interested may appear and be heard thereon, and all questions that may arise shall be heard and determined as in other ~~equity~~ cases civil actions in which equitable relief is sought. The court may refer the apportionment or calculation to any competent person, and upon the examination may ratify, amend or annul the assessment or call, or order one to be made. In case the assessment or call is altered or amended, or one is ordered, the directors shall forthwith proceed to vote the same in legal form and the record of such vote shall be set forth in a supplemental ~~bill~~ or answer.'

Sec. 191. R. S., c. 60, § 99, amended. Section 99 of chapter 60 of the Revised Statutes is amended to read as follows:

'Sec. 99. Domestic mutual fire insurance or assessment casualty companies, when insolvent or in hazardous condition. Whenever any domestic mutual fire insurance company or assessment casualty company is found after examination to be insolvent, or is found to be in such condition that its further transaction of business will be hazardous to its policyholders, its creditors or to the public, or when it has willfully violated its charter or any law of the State, or has refused to submit its books, papers, accounts and affairs for examination, the commissioner may, the Attorney General representing him, ~~apply to any justice of the Supreme Judicial Court or of file in the Superior Court in term time or vacation a complaint seeking~~ for an order directing such corporation to show cause why the commissioner should not take possession of its property and conduct its business, and for such other relief as the nature of the case and the interests of its policyholders, creditors or the public may require.'

Sec. 192. R. S., c. 60, § 101, amended. Section 101 of chapter 60 of the Revised Statutes is amended to read as follows:

'Sec. 101. Decree of sequestration. If on the ~~application~~ complaint provided for in section 99, the court shall direct the commissioner to take possession of the property, conserve the assets of such corporation and conduct the business of the company, the rights of the said commissioner with reference to such corporation and its said assets shall be the same as those exercised by receivers and masters ~~in chancery~~ appointed by the courts for liquidation of insurance companies.'

Sec. 193. R. S., c. 60, § 105, amended. The 6th paragraph from the end of section 105 of chapter 60 of the Revised Statutes, which relates to "Reference," is amended to read as follows:

'Reference. In case the insured and this Company shall fail to agree as to the actual cash value or the amount of loss, or both, then on written demand of either, it is mutually agreed that said value or loss, or both if said failure to agree includes both, shall be referred to three disinterested persons, the Company and the insured each choosing one out of the three persons to be named by the other and the third being selected by the two so chosen; the award in writing by a majority of the referees shall be conclusive and final upon

## PUBLIC LAWS, 1961

## CHAP. 317

the Company and the insured as to the actual cash value and the amount of loss or damage so referred and such reference unless waived by the Company and the insured shall be a condition precedent to any right of action ~~in law or equity~~ to recover for such loss; but no person shall be chosen or act as a referee against the objection of either the Company or the insured who has acted in a like capacity within 4 months.'

Sec. 194. R. S., c. 60, § 105, amended. The 2nd paragraph from the end of section 105 of chapter 60 of the Revised Statutes, which relates to "Suit," is amended to read as follows:

'~~Suit~~ Civil Action. No ~~suit or civil~~ action on this policy for the recovery of any claim shall be sustained in any court ~~of law or equity~~ unless commenced within two years next after inception of the loss.'

Sec. 195. R. S., c. 60, § 118, sub-§ II, ¶ A, sub-¶ 11, amended. Subparagraph 11 of paragraph A of subsection II of section 118 of chapter 60 of the Revised Statutes is amended to read as follows:

'11. A provision as follows:

**LEGAL ACTIONS.** No civil action ~~at law or in equity~~ shall be brought to recover on this policy prior to the expiration of 60 days after written proof of loss has been furnished in accordance with the requirements of this policy. No such action shall be brought after the expiration of 3 years after the time written proof of loss is required to be furnished.'

Sec. 196. R. S., c. 60, § 126, amended. The first 3 sentences of section 126 of chapter 60 of the Revised Statutes are amended to read as follows:

'Any order or decision of the commissioner, issued under ~~the provisions of~~ sections 116 to 125, shall be subject to ~~review by a justice of the superior court, in term time or vacation,~~ by an appeal taken within 15 days after the date of such order or decision to the Superior Court held in and for the County of Kennebec at the instance of any party in interest and aggrieved by said order or decision. Such appeal shall be prosecuted by ~~petition~~ complaint to which such party shall annex the order or decision of the commissioner and the record upon which such order or decision is based and in which the appellant shall set out the substance of and the reasons for the appeal. Upon the ~~filing~~ presentation thereof, the court ~~in term time, or a justice thereof in vacation~~ shall order notice thereon.'

Sec. 197. R. S., c. 60, § 151, amended. The last sentence of the 4th paragraph of section 151 of chapter 60 of the Revised Statutes is amended to read as follows:

'In case of a refusal of any person to comply with any subpoena issued ~~hereunder~~ or to testify with respect to any matter concerning which he may be lawfully interrogated, the Superior Court of Kennebec County or the county where such party resides, ~~or a justice thereof, in term time or vacation~~ on application of the commissioner, may issue an order requiring such person to comply with such subpoena and to testify; ~~and any~~. Any failure to obey any such order of the court may be punished by the court as a contempt thereof.'

Sec. 198. R. S., c. 60, § 153, amended. The first and 3rd sentences of section 153 of chapter 60 of the Revised Statutes are amended to read as follows:

'Any person required by an order of the commissioner under section 152 to cease and desist from engaging in any unfair method of competition or any unfair or deceptive act or practice defined in section 149 or whose license has been suspended or revoked may obtain a review of such order or act by filing in the Superior Court in Kennebec County, ~~in term time or vacation~~ within 30 days from the date of the service of such order, a ~~written petition~~ **complaint** praying that the order of the commissioner be set aside.'

'Upon such filing of the ~~petition~~ **complaint** and transcript, such court ~~or justice thereof, in term time or vacation~~ shall have jurisdiction of the proceeding and of the question determined therein, shall determine whether the filing of such petition shall operate as a stay of such order or act of the commissioner and shall have power to make and enter upon the pleadings, evidence and proceedings set forth in such transcript a decree modifying, affirming or reversing the order or act of the commissioner, in whole or in part.'

**Sec. 199. R. S., c. 60, § 154, amended.** The 2nd and 3rd paragraphs of section 154 of chapter 60 of the Revised Statutes are amended to read as follows:

'If such report charges a violation of sections 146 to 158, and if such method of competition, act or practice has not been discontinued, the commissioner may, through the Attorney General of this State at anytime after 30 days after the service of such report, cause a ~~petition~~ **complaint** to be filed in the Superior Court ~~of this State~~ within the county wherein the person resides or has his principal place of business, to enjoin and restrain such person from engaging in such method, act or practice. The court shall have jurisdiction of the proceeding and shall have power to make and enter appropriate orders in connection therewith and to issue such writs as are ancillary to its jurisdiction or are necessary in its judgment to prevent injury to the public pendente lite.

A transcript of the proceedings before the commissioner including all evidence taken and the report and findings shall be filed with such ~~petition~~ **complaint**. If either party shall apply to the court for leave to adduce additional evidence and shall show, to the satisfaction of the court, that such additional evidence is material and there were reasonable grounds for the failure to adduce such evidence in the proceeding before the commissioner, the court may order such additional evidence to be taken before the commissioner and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The commissioner may modify his findings of fact or make new findings by reason of the additional evidence so taken, and he shall file such modified or new findings with the return of such additional evidence.'

**Sec. 200. R. S., c. 60, § 155, amended.** Section 155 of chapter 60 of the Revised Statutes is amended to read as follows:

'**Sec. 155. Judicial review by intervenor.** If the report of the commissioner does not charge a violation of sections 146 to 158, then any intervenor in the proceedings may, within 30 days after the service of such report, cause a ~~petition~~ **complaint** to be filed in the Superior Court in Kennebec County ~~in term time or vacation~~ for a review of such report. Upon such review, the court ~~or a justice thereof, in term time or vacation~~ shall have authority to issue appropriate orders and decrees in connection therewith, including, if the court finds that it is to the interest of the public, orders enjoining and restraining the continuance of any method of competition, act or practice which it finds, notwithstanding such report of the commissioner, constitutes a violation of sections 146 to 158.'

## PUBLIC LAWS, 1961

## CHAP. 317

Sec. 201. R. S., c. 60, § 271, amended. Section 271 of chapter 60 of the Revised Statutes is amended to read as follows:

'Sec. 271. Jurisdiction of courts. During any emergency insurance period as described in sections 264 and 265, the commissioner is authorized to issue such directions, rules or orders as in his discretion the circumstances may warrant, and any Justice of the Supreme Judicial or Superior Courts shall have full jurisdiction to enforce the provisions of sections 264 to 272 by appropriate decrees in equity.'

Sec. 202. R. S., c. 60, § 301, amended. Section 301 of chapter 60 of the Revised Statutes is amended to read as follows:

'Sec. 301. Action by assignee of policy. The assignee of any policy, the assignment of which has been assented to by the insurance company or its agent, may sue the company on the policy in his own name, and all sums due thereon may be recovered in such ~~suit~~ action, subject to any defense existing against the original party; ~~the~~. The assignees so suing shall hold the judgment or its proceeds subject to the claims and equities of any other parties interested therein.'

Sec. 203. R. S., c. 60, § 303, amended. Section 303 of chapter 60 of the Revised Statutes is amended to read as follows:

'Sec. 303. Application of insurance money after final judgment; company entitled to notice of accident or injury; complaint not brought until 20 days after final judgment; exceptions. Whenever any person, administrator, executor, guardian, firm or corporation recovers a final judgment against any other person, firm or corporation for any loss or damage specified in the preceding section 302, the judgment creditor shall be entitled to have the insurance money applied to the satisfaction of the judgment by bringing a ~~bill in equity~~ civil action, in his own name, against the insuring company to reach and apply said insurance money; provided ~~that~~ when the right of action accrued, the judgment debtor was insured against said liability and that before the recovery of said judgment the insuring company had had notice of such accident, injury or damage; ~~provided also that the~~. The insuring company shall have the right to invoke the defenses described in this section in said ~~equity~~ proceedings. None of the provisions of this paragraph and the preceding section 302 shall apply:

I. Motor vehicle operated illegally or by one under age. When the automobile, motor vehicle or truck is being operated by any person contrary to law as to age or by any person under the age of 16 years where no statute restricts the age; or

II. Motor vehicle used in race contest. When such automobile, motor vehicle or truck is being used in any race or speed contest; or

III. Motor vehicle used for towing a trailer. When such automobile, motor vehicle or truck is being used for towing or propelling a trailer unless such privilege is indorsed on the policy or such trailer is also insured by the company; or

IV. Liability assumed. In the case of any liability assumed by the insured for others; or

V. Liability under workmen's compensation. In the case of any liability under any workmen's compensation agreement, plan or law; or

**VI. Fraud or collusion.** When there is fraud or collusion between the judgment creditor and the insured.

No ~~bill in equity~~ civil action shall be brought against an insurance company to reach and apply said insurance money until 20 days shall have elapsed from the time of the rendition of the final judgment against the judgment debtors.'

**Sec. 204. R. S., c. 60, § 313, amended.** The first sentence of section 313 of chapter 60 of the Revised Statutes is amended to read as follows:

'Penalties for violation of any law of the State relating to insurance may be recovered in ~~an~~ a civil action ~~of debt~~ in the name and to the use of the State or enforced by indictment.'

**Sec. 205. R. S., c. 60, § 330, sub-§ III, amended.** The first 3 sentences of subsection III of section 330 of chapter 60 of the Revised Statutes are amended to read as follows:

'Any order or decision of the commissioner shall be subject to review by a ~~Justice of~~ the Superior Court ~~in term time or vacation~~ by an appeal taken within 15 days after the date of such order or decision to the Superior Court held in and for the County of Kennebec at the instance of any party in interest and aggrieved by said order or decision. Such appeal shall be prosecuted by ~~petition~~ complaint to which such party shall annex the order or decision of the commissioner and the record upon which such order or decision is based and in which the appellant shall set out the substance of and the reasons for the appeal. Upon the filing thereof the court ~~in term time or a justice thereof in vacation~~ shall order notice thereof.'

**Sec. 206. R. S., c. 60, § 347, sub-§ III, amended.** The first 3 sentences of subsection III of section 347 of chapter 60 of the Revised Statutes are amended to read as follows:

'Any order or decision of the commissioner shall be subject to review by a ~~Justice of~~ the Superior Court ~~in term time or vacation~~ by an appeal taken within 15 days after the date of such order or decision to the Superior Court held in and for the County of Kennebec at the instance of any party in interest and aggrieved by said order or decision. Such appeal shall be prosecuted by ~~petition~~ complaint to which such party shall annex the order or decision of the commissioner and the record upon which such order or decision is based and in which the appellant shall set out the substance of and the reasons for the appeal. Upon the filing thereof the court ~~in term time or a justice thereof in vacation~~ shall order notice thereof.'

**Sec. 207. R. S., c. 60, § 350, amended.** Section 350 of chapter 60 of the Revised Statutes is amended to read as follows:

**Sec. 350. Appeal.** Any person aggrieved by an order of the commissioner or by any rule or regulation promulgated by the commissioner may appeal therefrom to a ~~justice of the supreme judicial court or~~ the Superior Court. Such appeal shall be taken within 30 days, unless a shorter or different time is specified in a particular statute, but the commissioner or person conducting the hearing may for cause shown allow a longer time. The appellant shall ~~present to a justice of either of the above courts file with the court a petition, in term time or vacation~~ complaint, setting forth the ground for appeal, and ~~such justice~~



## PUBLIC LAWS, 1961

## CHAP. 317

the court shall fix time and place for hearing and cause notice thereof to be given the commission and other interested parties ~~as in equity~~. The appeal shall be heard on legal evidence, and after such hearing the ~~justice court~~ may affirm, modify or reverse the decision of the commissioner, and shall remand the cause to the commissioner for further proceedings in accordance with the court decree.'

Sec. 208. R. S., c. 60-A, § 30, amended. The 4th sentence of the 2nd paragraph of section 30 of chapter 60-A of the Revised Statutes, as enacted by section 1 of chapter 217 of the public laws of 1957, is repealed as follows:

~~'No such service shall require a society to file its answer, pleading or defense in less than 30 days from the date of mailing the copy of the service to a society.'~~

Sec. 209. R. S., c. 61, § 45, amended. The last sentence of section 45 of chapter 61 of the Revised Statutes is amended to read as follows:

'Upon the revocation, for a 3-year period or more, of the license of any licensee in this section mentioned, the Attorney General shall bring ~~an~~ a civil action ~~of debt~~ in any county in the State, upon the bond given by such licensee, to recover the penal sum thereof as liquidated damages.'

Sec. 210. R. S., c. 61, § 57, amended. The 2nd paragraph of section 57 of chapter 61 of the Revised Statutes, as amended by section 13-A of chapter 218 of the public laws of 1957, is further amended to read as follows:

'If any person is aggrieved by the decision of the commission in revoking or suspending any license issued by the commission or by refusal of the commission to issue any license applied for, he may within ~~to~~ 30 days thereafter appeal to ~~any justice of the Superior Court~~, by presenting to him a petition filing a complaint therefor ~~in term time or vacation~~. The ~~to day~~ 30-day period for appeal shall commence on the effective date of any suspension or revocation of a license, and, in the case of refusal of the commission to issue license, on the day when the commission sends by registered or certified mail notice to the applicant at the address of his business given in his application for license. Filing appeal in the Superior Court shall stop the running of the limitation period. ~~Such justice~~ The court shall forthwith fix a time and place for immediate hearing ~~which may be in vacation~~ and cause notice thereof to be given to the commission; ~~and after~~. After hearing, ~~such justice~~ the court may affirm, modify or reverse the decision of the commission. Pending judgment of the court, the decision of the commission in revoking or suspending any license shall remain in full force and effect. Appeal by such aggrieved person to the law court from such decision may be taken ~~as in equity cases~~. Upon such appeal ~~the proceedings shall be the same as in appeals in equity procedure, and the law court may, after consideration, reverse or modify any decree so made by a justice the court based upon an erroneous ruling or finding of law.'~~

Sec. 211. R. S., c. 69-A, § 8, sub-§ II, amended. The 4th and 5th sentences of subsection II of section 8 of chapter 69-A of the Revised Statutes, as enacted by section 1 of chapter 303 of the public laws of 1959, are amended to read as follows:

'If any person served with a subpoena, to appear and testify, or to produce books, papers, accounts and documents, issued by the board in the course of an

inquiry or hearing conducted under this chapter, shall, in disobedience of such subpoena, refuse, neglect or fail to appear or to testify, or to produce such books, papers, accounts or documents, then the board may apply to ~~any justice of the Superior Court in term time or vacation~~. Thereupon the said ~~justice court~~ shall issue a subpoena requiring such person to appear and to testify and to produce such books, papers, accounts and documents before the board.'

**Sec. 212. R. S., c. 69-A, § 11, amended.** The first sentence of section 11 of chapter 69-A of the Revised Statutes, as enacted by section 1 of chapter 303 of the public laws of 1959, is amended to read as follows:

'The ~~supreme judicial court and the~~ Superior Court shall have jurisdiction ~~in equity~~, upon information filed by the county attorney at the request of the board, to restrain or enjoin any person from committing any act declared to be a misdemeanor by this chapter.'

**Sec. 213. R. S., c. 79, § 10, amended.** The 2nd paragraph of section 10 of chapter 79 of the Revised Statutes, as amended by section 6 of chapter 295 of the public laws of 1959, is further amended to read as follows:

'Such decree shall have the same effect and all proceedings in relationship thereto shall thereafter be the same as though rendered in a ~~suit in equity civil action in which equitable relief is sought~~ duly heard and determined by said court, and appeal may be had therefrom ~~in the same manner as in appeals in equity procedure to the law court~~, and the law court may after consideration reverse or modify any decree so made. When an appeal is taken from any such order, no fine shall be imposed for that period of time during which said appeal is pending.'

**Sec. 214. R. S., c. 88, § 11, amended.** The 3rd sentence of section 11 of chapter 88 of the Revised Statutes is amended to read as follows:

'Upon failure to pay such tax to the Treasurer of State, such promoter or promoters shall be liable to pay a penalty of 25% of the amount of the tax due, which penalty shall be recovered by ~~an a civil action on the case~~ brought in the name of the said commission, and the said penalty if recovered shall be paid to the Treasurer of State to be credited to the General Fund.'

**Sec. 215. R. S., c. 89, § 12, amended.** The 2nd sentence of section 12 of chapter 89 of the Revised Statutes is amended to read as follows:

'All assessments under ~~the provisions of~~ this chapter made by the county commissioners which include sums assessed for an illegal object shall not be void, nor shall any error, mistake, omission or inclusion of illegal sums in the assessment by the county commissioners void so much of the assessment as is assessed for legal purposes; ~~and any~~. Any person paying such tax may bring ~~an a civil action of debt~~ against the county in the Superior Court for the same county and shall recover so much of the sum paid as was assessed for an illegal object, with 25% interest and costs and any damages which he has sustained by reason of the mistakes, errors or omissions of such commissioners.'

**Sec. 216. R. S., c. 89, § 31, amended.** Section 31 of chapter 89 of the Revised Statutes is amended to read as follows:

'Sec. 31. Warrants of distress; actions. Warrants of distress, on judgments legally rendered by the county commissioners, may be originally issued within

## PUBLIC LAWS, 1961

## CHAP. 317

2 years after judgment and made returnable to the clerk's office within 90 days from their date. New warrants may be issued within 2 years from the return day of the last preceding warrant for sums remaining unsatisfied. No warrant shall be originally issued against a town until 20 days after a certificate of rendition of the judgment is transmitted by their clerk to the assessors of such town. Interest on the damages shall be included and collected by such warrants as in executions. A party, for whose benefit a judgment is rendered by them, may recover the amount in ~~an~~ a civil action of ~~debt~~ founded on such judgment.'

Sec. 217. R. S., c. 89, § 52, amended. Section 52 of chapter 89 of the Revised Statutes is amended to read as follows:

'Sec. 52. Record location of highway when lost or disregarded by agent; proceedings to stop work. When a highway is laid out through a town and an agent appointed by the county commissioners to open and make it, and the record location thereof cannot be found on the face of the earth or consistently applied thereto or said agent is not making said highway according to the record location, the municipal officers or town agent may file a ~~bill in equity~~ complaint in the ~~Supreme Judicial or Superior Court~~ setting forth the facts aforesaid and praying an injunction to stay the proceedings of said road agent; ~~and any justice of either of said courts.~~ The court shall issue a summary notice to said road agent to appear before him to answer said ~~petition~~ complaint and on a hearing of the parties may issue a temporary injunction upon such terms and conditions as he deems reasonable; ~~and subsequent.~~ Subsequent proceedings on the ~~bill~~ complaint shall be similar to proceedings in ~~equity in other cases~~ other civil actions in which equitable relief is sought.'

Sec. 218. R. S., c. 89, § 54, amended. Section 54 of chapter 89 of the Revised Statutes is amended to read as follows:

'Sec. 54. Damages. A person entitled to receive payment of damages or costs may, after 30 days from demand on the treasurer of the county or town or on the party liable therefor, recover them in ~~an~~ a civil action of ~~debt~~.'

Sec. 219. R. S., c. 89, § 66, amended. The last sentence of section 66 of chapter 89 of the Revised Statutes is amended to read as follows:

'In addition to the foregoing method for the collection of highway taxes, the county commissioners of any county may, in writing, at any time subsequent to that when the lands so assessed might be sold for nonpayment of the taxes assessed thereon, direct the treasurer of such county to commence ~~an~~ a civil action of ~~debt~~ in the name of the inhabitants of said county against the party liable to pay such taxes; ~~but no.~~ No such defendant shall be liable for any costs ~~of suit~~ in such action, unless it appears by the declaration and proof that payment of said tax had been duly demanded by said treasurer before the ~~suit~~ action was commenced.'

Sec. 220. R. S., c. 89, § 67, amended. Section 67 of chapter 89 of the Revised Statutes is amended to read as follows:

'Sec. 67. Prima facie proof of title by purchase at such sale. In any trial ~~at law or in equity~~ involving the validity of any sale or forfeiture of such lands, as provided in the preceding section 66, it shall be prima facie proof of title for the party claiming under it to produce in evidence the county treasurer's deed,

duly executed and recorded, the assessments signed by the county commissioners and certified by them or their clerk to the county treasurer, and to prove that the county treasurer complied with the requirements of law in advertising and selling.'

**Sec. 221. R. S., c. 89, § 75, amended.** The last sentence of section 75 of chapter 89 of the Revised Statutes is amended to read as follows:

'For neglecting to keep such boat he forfeits \$20, and for neglect of attendance, \$1, to the prosecutor in ~~an~~ a civil action ~~of debt~~; and is liable in ~~an~~ a civil action ~~on the case~~ to the party injured for his damages.'

**Sec. 222. R. S., c. 89, § 76, amended.** Section 76 of chapter 89 of the Revised Statutes is amended to read as follows:

'**Sec. 76. Action on ferryman's bond.** Anyone injured in person or property by the negligence or default of a ferryman may commence a ~~suit~~ civil action on his bond, in which the proceedings shall be similar to those in actions on the bonds of sheriffs.'

**Sec. 223. R. S., c. 89, § 78, amended.** Section 78 of chapter 89 of the Revised Statutes is amended to read as follows:

'**Sec. 78. Keeping ferry or conveying passengers or property contrary to law.** A person who keeps a ferry contrary to ~~the provisions of~~ sections 73 or 74, or without authority transports passengers or property across any licensed or established ferry for hire or furnishes for hire a boat or other craft for such purpose, forfeits \$4 for each day such ferry is kept or for each time of transportation, and is ~~also~~ liable to the party injured and keeping the ferry at or near the place for damages sustained by him in ~~an~~ a civil action ~~on the case~~.'

**Sec. 224. R. S., c. 89, § 80, amended.** Section 80 of chapter 89 of the Revised Statutes is amended to read as follows:

'**Sec. 80. Ferryman's neglect of duty.** The ferryman or person so contracting forfeits \$10 for each day's neglect to perform such duty and is liable, in ~~an~~ a civil action ~~on the case~~, for damages to any person injured thereby.'

**Sec. 225. R. S., c. 89, § 83, amended.** Section 83 of chapter 89 of the Revised Statutes is amended to read as follows:

'**Sec. 83. Obstruction to ferries.** Whoever places a weir or other obstacle or without necessity anchors or places a raft, vessel or water craft so as to obstruct the ordinary passageway of any boat at a ferry licensed or established forfeits \$20 to the proprietor of the ferry, to be recovered in ~~an~~ a civil action ~~on the case~~; unless such obstruction was inadvertently made and removed within 30 minutes, if practicable, after notice given of its improper position, or unless it was occasioned by hauling into a wharf, pier, landing or dock, without unreasonable delay or willful misconduct.'

**Sec. 226. R. S., c. 89, § 94, amended.** Section 94 of chapter 89 of the Revised Statutes is amended to read as follows:

'**Sec. 94. Injuring meridians.** Whoever willfully displaces, alters, defaces, breaks or otherwise injures any of the pillars or points, plates, enclosures, bars,

## PUBLIC LAWS, 1961

## CHAP. 317

locks, bolts or any part of the structure of any meridian line or standard of length shall forfeit not more than \$100, to be recovered by indictment, half to the prosecutor and half to the county, and shall ~~also~~ be liable in ~~an~~ a civil action ~~of debt~~ for the amount necessarily expended in repairing damages caused by his act.'

**Sec. 227. R. S., c. 89, § 99, amended.** Section 99 of chapter 89 of the Revised Statutes, as amended by section 2 of chapter 190 of the public laws of 1959, is further amended to read as follows:

**'Sec. 99. Fees.** The fees of clerks of the judicial courts shall be as follows:

For every blank writ of attachment with a summons, ~~or of scire facias~~, or an original summons, 10c.

Blank writs of replevin with the seal, signature and blank bond, 20c.

Entry of an action, or entering up and recording the judgment ~~whether on a verdict, demurrer, nonsuit or default~~ \$1.

Copies, minimum of \$1, for first 500 words if the writing contains that number and 20c for each 100 words or fraction thereof in excess of 500 words.

Recording ~~a petition~~ the complaint in an action for partition, and any order thereon, at the rate of 25c a page of 224 words.

Recording petition and proceedings for release of attachment and making copy and certificate, \$2.

Making certificate of dissolution of attachment by judgment for defendant, 50c.

Entry of a rule of court upon the parties submitting a cause to referees, 25c.

Proving a deed in court and certifying the same, \$1.

Making certificate of approval by judge, of sale of real estate and price, when husband or wife refuses to release interest and right by descent, \$1.

Authenticating the official signature of a magistrate, 50c.

Original or other writ of execution in personal matters and filing the same when returned, 50c.

Writ of possession in real actions, 50c.

Writ of protection or habeas corpus, 50c.

Subpoena for one witness or more or with a duces tecum, 10c.

Recording certificate of discharge of a soldier or seaman from the army or navy of the United States, 25c and for a copy of such record, 25c.

Recording certificate of registration in veterinary surgery, \$1.

## CHAP. 317

PUBLIC LAWS, 1961

For making up the record in ~~an equity case~~ a civil action in which equitable relief is sought, the court may allow a further sum, not exceeding \$1 for the first 500 words if the writing contains that number, and 20c for each 100 words or fraction thereof in excess of 500 words, to be taxed by the clerk.

For each certificate or copy of judgment or decree ~~in equity~~, 50c for the first page and 25c for each additional page which, together with the fees of the register of deeds for recording such certificate or copy, may be taxed in the costs of ~~suit~~ a civil action.

Warrant to make a partition, \$1.

Process to enforce a lien on personal property, \$2.

Commission to referee, auditor, surveyor or other officer appointed by the court, \$1.50.

Writ of review, \$1.

~~Writ of scire facias, \$1.~~

Every writ and seal other than before-mentioned, \$1.

For filing each warrant for state sales or use tax, \$1.'

**Sec. 228. R. S., c. 89, § 107, amended.** Section 107 of chapter 89 of the Revised Statutes, as amended by chapter 225 of the public laws of 1957, is further amended to read as follows:

'**Sec. 107. Record of civil actions.** After the rendition of final judgment or decree in any civil ~~case at law or in equity~~ action, the clerk shall as soon as may be make such a record thereof in short form, except in such specific instances as the court by general rule or special order may direct. If either party ~~how-~~  
~~ever~~ files a request and tenders the fees therefor, a full, extended record shall be made. The court may establish the form of such short form record and full, extended record.'

**Sec. 229. R. S., c. 89, § 110, amended.** Section 110 of chapter 89 of the Revised Statutes is amended to read as follows:

'**Sec. 110. Disposal of money collected by action on clerk's bond.** The money recovered in such ~~suit~~ action shall be applied under direction of the court, to complete the deficient records. If more than sufficient, the balance inures to the State. If not sufficient, the balance may be recovered by the Treasurer of State in an action ~~on the case~~ founded on the bond and facts.'

**Sec. 230. R. S., c. 89, § 115, amended.** The first sentence of section 115 of chapter 89 of the Revised Statutes is amended to read as follows:

'The county attorney in each county shall appear for the county, under the direction of the county commissioners, in all ~~suits~~ actions and other civil proceedings in which the county is a party or interested, or in which the official acts and doings of said county commissioners are called in question, in all the courts of the State, and in such ~~suits~~ actions and proceedings before any other tribunal when requested by said commissioners.'

## PUBLIC LAWS, 1961

## CHAP. 317

**Sec. 231. R. S., c. 89, § 118, amended.** The last sentence of section 118 of chapter 89 of the Revised Statutes is amended to read as follows:

'If he neglects either of said duties, he forfeits to the State, not more than \$100, to be recovered in ~~an~~ a civil action ~~of debt~~ in the name of the Treasurer of State.'

**Sec. 232. R. S., c. 89, § 146, amended.** Section 146 of chapter 89 of the Revised Statutes is amended to read as follows:

'**Sec. 146. Forfeiture for neglect to give bond.** Any sheriff for each month's neglect to give the security required in sections 142 or 145, which neglect shall be reported by the State Auditor to the Treasurer of State, forfeits \$150 to the State to be recovered in ~~an~~ a civil action ~~of debt~~ by the Treasurer of State; ~~and the~~. The Attorney General shall prosecute therefor; ~~and the~~. The clerk of courts of his county shall certify such sheriff's name to the Governor and Council and the Attorney General; ~~and unless~~. Unless reasonable cause therefor is shown, or within 20 days after the clerk has so certified, he gives or renews his security to the satisfaction of the Governor and Council, he thereby vacates his office.'

**Sec. 233. R. S., c. 89, § 150, sub-§§ I and III, amended.** Subsections I and III of section 150 of chapter 89 of the Revised Statutes, as amended by chapter 339 of the public laws of 1957, are further amended to read as follows:

**'I. Writ; civil process.** For service of all writs with summons, precepts, notices, subpoenas, executions, court orders, orders of service, copies, ~~bills in equity~~ equitable proceedings with subpoena issued thereon and all other civil process or papers requiring service which are not specifically hereinafter enumerated, they shall receive therefor \$3 for each such service.'

**'III. Complaint for divorce.** For the service of ~~libel~~ complaint for divorce inserted in with writ of attachment by serving summons and attested copy of writ and ~~libel~~ complaint, or for the service of ~~libel~~ complaint for divorce with order of court thereon by attested copy, \$5.'

**Sec. 234. R. S., c. 89, § 164, amended.** Section 164 of chapter 89 of the Revised Statutes, as amended by section 46 of chapter 317 of the public laws of 1959, is further amended to read as follows:

'**Sec. 164. Person injured by misdoings of sheriff may sue his bond; indorsement of writ, summons or complaint; costs; judgment.** Any person injured by the neglect or misdoings of a sheriff, who has first ascertained the amount of his damages by judgment in a ~~suit~~ civil action against him, his executors or administrators, or by a decree of the probate court allowing his claim, may, at his own expense in the name of the Treasurer of State, institute a ~~suit~~ civil action on his official bond in the county where he was authorized to act and prosecute it to final judgment and execution. His name and place of residence or that of his attorney shall be indorsed on the writ, summons or complaint and the indorser alone is liable for costs. If judgment is rendered for the Treasurer of State, it shall be for the damages ascertained as aforesaid, or so much thereof as remains unpaid, with interest; ~~and the~~. The party's name for whom the ~~suit~~ action was brought shall be expressed in the execution issued thereon. If the judgment is for the defendant, it shall be against the party for whom the ~~suit~~ action was brought.'

Sec. 235. R. S., c. 89, § 203, amended. Section 203 of chapter 89 of the Revised Statutes is amended to read as follows:

'Sec. 203. Copy of writ delivered to defendant on request; neglect. Every officer, plaintiff or his attorney, having in his possession a writ on which an attachment has been made, shall make and deliver to the debtor or his attorney, if requested and the legal fee tendered, an attested copy thereof, and if he unreasonably refuses or neglects to do so for 24 hours, he forfeits \$5 and \$5 additional for every subsequent 24 hours that he so refuses or neglects; ~~and such~~. Such forfeit shall be recovered by the debtor to his own use, in ~~an~~ a civil action of debt.'

Sec. 236. R. S., c. 89, § 205, amended. Section 205 of chapter 89 of the Revised Statutes is amended to read as follows:

'Sec. 205. No officer to be attorney or draw papers; no employee of jailer to act as magistrate or attorney. No such officer ~~aforsaid~~ shall appear before any court or justice of the peace as attorney or adviser of any party in ~~a suit~~ an action or draw any writ, complaint, declaration, citation, process or plea for any other person; and all such acts done by either of them are void; ~~and no~~. No person employed by the keeper of a jail in any capacity shall exercise any power or duty of a magistrate or act as attorney for any person confined in the jail; and all such acts are void.'

Sec. 237. R. S., c. 89, § 206, amended. Section 206 of chapter 89 of the Revised Statutes is amended to read as follows:

'Sec. 206. Service of writs in actions against officers for breach of duty, where principal defendant out of State. In actions against sheriffs, deputy sheriffs and constables for breach of official duty where the principal defendant is out of the State, ~~the writ service may be served made on such defendant by leaving delivering a copy of the summons and of the same with complaint to each of the sureties on his official bond 14 days before the return day thereof, and the court in the county where the writ is returnable, either before or after entry~~ Superior Court may order further notice to the defendant by publication of an abstract of the ~~writ~~ complaint and order thereon in some newspaper published in the county where the writ is returnable, or in the state paper or in such other manner as the court directs; ~~and if~~. If the order is complied with and proved, the defendant shall answer to the ~~suit~~ action and judgment in such case has the same effect as if personal service was made upon the principal defendant.'

Sec. 238. R. S., c. 89, § 224, amended. The last sentence of section 224 of chapter 89 of the Revised Statutes is amended to read as follows:

'If payment for such services has been made to his predecessor, he shall be paid for them out of the county treasury; and the former register and his sureties shall refund such payments to the county treasury, to be recovered by ~~suit~~ a civil action upon his official bond.'

Sec. 239. R. S., c. 89, § 226, amended. Section 226 of chapter 89 of the Revised Statutes is amended to read as follows:

'Sec. 226. Recording officer not to draft or aid in drafting any document he is to record. No city, town, county or state officer whose duty is to record conveyances of any kind, assignments, certificates or other documents or papers



## PUBLIC LAWS, 1961

## CHAP. 317

whatsoever shall draft or aid in drafting any conveyance, assignment, certificate or other document or paper which he is by law required to record, in full or in part, under a penalty of not more than \$100, to be recovered by any complainant by a civil action ~~of debt~~ for his benefit or by indictment for the benefit of the county.'

Sec. 240. R. S., c. 89, § 230, amended. The first sentence of section 230 of chapter 89 of the Revised Statutes is amended to read as follows:

'Registers shall receive and record all certificates in ~~equity~~ equitable proceedings, copies of judgments and decrees certified by the clerk of courts in the county where the ~~bill~~ complaint is pending or the judgment or decree is rendered, certified copies of the proceedings of any court, corporation, municipal body or other tribunal through or by which the right of eminent domain has been or may hereafter be exercised to affect the title to real estate, copies of portions of wills devising real estate situated in their respective counties or districts and all other instruments which they are by law required to record.'

Sec. 241. R. S., c. 89, § 233, amended. The last sentence of section 233 of chapter 89 of the Revised Statutes is amended to read as follows:

'If such party, after request by any interested party or by the register of deeds, fails to comply with the provisions of this section, he shall be liable to a penalty of not more than \$50, to be recovered in ~~an~~ a civil action ~~of debt~~ in the name of the register of deeds for the benefit of the county.'

Sec. 242. R. S., c. 90-A, § 3, sub-§ IV, ¶ C, sub-¶ 5, div. (b), amended. Division (b) of subparagraph 5 of paragraph C of subsection IV of section 3 of chapter 90-A of the Revised Statutes, as enacted by section 1 of chapter 405 of the public laws of 1957 and as amended by section 52 of chapter 317 of the public laws of 1959, is further amended to read as follows:

'(b) The appeal to the Superior Court shall be ~~entered at the term first occurring in the county~~ filed not less than 30 days after the order or decision from which the appeal is taken. Notice of the appeal shall be ordered by the court ~~in term time or by a justice in vacation~~, and the appeal shall be tried and determined by the court without a jury in the manner and with the rights provided by law in other civil ~~cases~~ actions so heard. Costs may be awarded to the prevailing party by the court as justice requires.'

Sec. 243. R. S., c. 90-A, § 10, amended. The first sentence of section 10 of chapter 90-A of the Revised Statutes, as enacted by section 1 of chapter 405 of the public laws of 1957, is amended to read as follows:

'When a controversy respecting a boundary line exists between adjoining municipalities, either may ~~petition~~ file a complaint with the Superior Court stating the facts and requesting that the line be run.'

Sec. 244. R. S., c. 90-A, § 56, sub-§ III, amended. Subsection III of section 56 of chapter 90-A of the Revised Statutes, as enacted by section 1 of chapter 405 of the public laws of 1957, is amended to read as follows:

'III. Restrain proceedings. The ~~Supreme Judicial Court in equity or the Superior Court in equity~~ may restrain proceedings in a municipality in violation of this section on the application of at least 10 taxable residents.'

Sec. 245. R. S., c. 90-A, § 61, sub-§ III, ¶ B, sub-¶ 2, amended. Subparagraph 2 of paragraph B of subsection III of section 61 of chapter 90-A of the Revised Statutes, as enacted by section 1 of chapter 405 of the public laws of 1957 and as amended by section 53 of chapter 317 of the public laws of 1959, is further amended to read as follows:

'2. The appeal to the Superior Court shall be taken within 30 days after the decision. Notice of the appeal shall be ordered by the court ~~in term time or by a justice in vacation~~, and the appeal shall be tried and determined by the court without a jury in the manner and with the rights provided by law in other civil ~~cases~~ actions so heard. ~~The appeal shall be tried at the term to which the notice is returnable unless otherwise ordered by the court.~~ Costs may be awarded to the prevailing party by the court as justice requires.'

Sec. 246. R. S., c. 91-A, § 66, amended. Section 66 of chapter 91-A of the Revised Statutes, as enacted by section 1 of chapter 399 of the public laws of 1955, is amended to read as follows:

'Sec. 66. Collectors to account; penalty. Every tax collector shall, on the last day of each month, pay to the municipal treasurer all moneys collected by him, and once in 2 months at least shall exhibit to the municipal officers a just and true account of all moneys received on taxes committed to him and excise taxes collected by him, and produce the treasurer's receipt for money by him paid; ~~and for.~~ For each neglect, he forfeits to the municipality \$100 to be recovered by the municipal officers thereof in ~~an~~ a civil action ~~of debt~~.'

Sec. 247. R. S., c. 91-A, § 71, amended. The last paragraph of section 71 of chapter 91-A of the Revised Statutes, as enacted by section 1 of chapter 399 of the public laws of 1955, is amended to read as follows:

'If such tax collector refuses to deliver the tax lists and to pay all moneys in his hands collected by him, when duly demanded, he shall be subject to ~~the provisions of~~ section 78, and is liable to pay what remains due on the tax lists, said sum to be recovered by the municipal officers in ~~an~~ a civil action ~~of debt~~.'

Sec. 248. R. S., c. 91-A, § 87, amended. The first sentence of the 3rd paragraph of section 87 of chapter 91-A of the Revised Statutes, as enacted by section 1 of chapter 399 of the public laws of 1955, is amended to read as follows:

'After the expiration of said 10 days ~~an~~ a civil action ~~of debt~~ for the collection of the tax may be brought in the county where the real estate lies, against the person to whom said tax is assessed.'

Sec. 249. R. S., c. 91-A, § 90, amended. The first sentence of section 90 of chapter 91-A of the Revised Statutes, as enacted by section 1 of chapter 399 of the public laws of 1955, is amended to read as follows:

'A tax lien mortgage filed in accordance with ~~the provisions of~~ sections 88 and 89 may be foreclosed by an action ~~in equity~~ for equitable relief in the following manner.'

Sec. 250. R. S., c. 91-A, § 90, sub-§ III, amended. Subsection III of section 90 of chapter 91-A of the Revised Statutes, as enacted by section 1 of chapter 399 of the public laws of 1955, is amended to read as follows:

'III. Foreclosure of tax lien mortgage. If said tax lien mortgage together with interest and costs shall not be paid within 6 months after the date of recording the waiver of foreclosure thereof, the tax lien mortgage may be foreclosed in an action ~~in equity~~ for equitable relief.'

Sec. 251. R. S., c. 91-A, § 91, amended. Section 91 of chapter 91-A of the Revised Statutes, as enacted by section 1 of chapter 399 of the public laws of 1955 and as amended by section 57 of chapter 317 of the public laws of 1959, is further amended to read as follows:

'Sec. 91. Foreclosure in action for equitable relief; alternative procedure; class action. In addition to and as an alternative to the proceedings for foreclosure of a tax lien mortgage under the provisions of section 90 a municipality may, provided a waiver of foreclosure thereof has been recorded in accordance with the provisions of section 90, foreclose any tax lien mortgage held by the municipality for a period of at least 4 years from the date of filing of the tax lien certificate in the registry of deeds by an action in rem ~~in equity~~ for equitable relief in the following manner:

I. Action in rem for equitable relief. Such actions may be commenced on or before the first day of April in each year and each such action shall relate only to tax lien mortgages arising from taxes assessed in a given year. The action in rem ~~in equity~~ for equitable relief shall be entitled substantially as follows: (Name of municipality) against all persons having, or claiming to have, an interest in sundry parcels of real estate in (name of municipality) for the foreclosure of tax lien mortgages arising from taxes assessed in the year ..... the defendants in said action shall be described as aforesaid in lieu of naming them.

II. Complaint. The municipality shall set forth in substance in the ~~bill~~ of complaint the following:

- A. That the municipality holds the tax lien mortgages referred to in the ~~bill~~ complaint;
- B. That the tax lien mortgages arose from taxes assessed in a given year;
- C. That the real estate described in the tax lien mortgages is located in (name of municipality), and the tax lien mortgages are recorded in a named registry of deeds.
- D. The municipality shall further set forth in the ~~bill~~ of complaint with respect to each tax lien mortgage in substance the following:

That a tax of \$..... was duly assessed against .....  
(name of person)

on real estate bounded and described as follows: .....

.....

for the year.....; that on..... a tax lien certificate thereon was  
(date)

recorded in .....County registry of deeds in Book.....,

Page.....; that on..... a waiver of foreclosure thereof  
(date)

was recorded in said registry of deeds in Book....., Page.....;

that said tax of \$....., costs to date of \$....., together with in-

terest at ..... per cent per annum from ..... is and still  
(date)

remains unpaid.

**III. Notice.** The court shall order that notice of the pendency of the complaint be given to the defendants:

A. By publication of a true copy of the complaint and the order of notice thereon, attested by the clerk of courts, in a newspaper published or printed in whole or in part in the county where the municipality is situated, if any, or if none, in the state paper, once a week for 3 successive weeks with the last publication not less than 30 days before the time set for appearance of the defendants;

B. By posting a true copy of the complaint and the order of notice thereof, attested by the clerk of courts, in at least 3 public places within the municipality not less than 30 days before the time set for appearance of the defendants; and

C. By mailing a copy of the published notice to the defendants at their last known addresses.

**IV. No personal judgment.** In such action, no personal judgment against a defendant shall be entered. Each person answering the bill of complaint shall have the right to the severance of the action as to the parcel of real estate in which he is interested.'

**Sec. 252. R. S., c. 91-A, § 92, amended.** Section 92 of chapter 91-A of the Revised Statutes, as enacted by section 1 of chapter 399 of the public laws of 1955 and as amended by section 58 of chapter 317 of the public laws of 1959, is further amended to read as follows:

**'Sec. 92. Action for equitable relief after period of redemption; procedure.** A municipality which has become the purchaser at a sale of real estate for non-payment of taxes or which as to any real estate has pursued the alternative method for the enforcement of liens for taxes provided in sections 88 and 89, whether in possession of such real estate or not, after the period of redemption from such sale or lien has expired, may maintain ~~a suit in equity~~ **an action for equitable relief** against any and all persons who claim or may claim some right, title or interest in the premises adverse to the estate of such municipality.

**I. Service.** Service shall be made as in other actions on all defendants who can with due diligence be personally served within the State. If any defendants cannot be so served or are described in the complaint as being unascertained, service shall be made by publication as in other actions in which publication is required. A copy of the published notice shall be mailed to all known defendants at their last known addresses if they have not been personally served.

## PUBLIC LAWS, 1961

## CHAP. 317

**II. Decree; effect.** The plaintiff municipality in such ~~suit~~ action shall pray the court to establish and confirm its title to the premises described in the ~~bill~~ complaint as against all the defendants named or described therein, and if upon hearing the court shall find the plaintiff's title so to be good it shall make and enter its decree accordingly, which decree when recorded in the registry of deeds for the county or district where the real estate lies shall have the effect of a deed of quitclaim of the premises involved in the ~~suit~~ action from all the defendants named or described therein to the plaintiff municipality.

**III. Jury.** At the trial of the cause, issues of fact may be framed upon application of any party to be tried by a jury whose verdict shall have the same effect as the verdict of a jury in civil actions ~~at law~~.

**Sec. 253. R. S., c. 91-A, § 93, amended.** Section 93 of chapter 91-A of the Revised Statutes, as enacted by section 1 of chapter 399 of the public laws of 1955, is amended to read as follows:

'**Sec. 93. Presumption of validity.** In an action to foreclose a tax lien mortgage under ~~the provisions of~~ sections 90, 91 or 92, the proceedings from and including the assessment of the tax upon which such tax lien mortgage is based to and including the time of filing ~~the bill of~~ the complaint in such action need not be set forth in the ~~bill~~ complaint, pleaded or proved and shall be presumed to be valid. A defendant alleging any invalidity or defect in such proceedings must specify in his answer such invalidity or defect and must establish such defense.'

**Sec. 254. R. S., c. 91-A, § 95, amended.** The first sentence of section 95 of chapter 91-A of the Revised Statutes, as enacted by section 1 of chapter 399 of the public laws of 1955, is amended to read as follows:

'At the trial of any action for the collection of taxes, or of any ~~civil action at law or in equity~~ involving the validity of any sale of real estate for nonpayment of taxes, or involving any tax lien certificate under ~~the provisions of~~ sections 88 and 89 and the title to real estate acquired upon foreclosure of the tax lien mortgage, if it shall appear that the tax in question was lawfully assessed, the court may permit the tax collector or other officer to amend his record, return, deed or certificate in accordance with the fact, when circumstantial errors or defects appear therein, provided ~~that~~ the rights of 3rd parties are not injuriously affected thereby.'

**Sec. 255. R. S., c. 91-A, § 107, amended.** Section 107 of chapter 91-A of the Revised Statutes, as enacted by section 1 of chapter 399 of the public laws of 1955, is amended to read as follows:

'**Sec. 107. Collector may bring an action in own name.** Any tax collector or his executor or administrator may ~~see~~ bring a civil action in his own name for any tax, ~~in an action of debt~~ and no trial justice or judge of any municipal court before whom such ~~suit~~ action is brought is incompetent to try the same by reason of his residence in the municipality assessing said tax. No defendant is liable for any costs of ~~suit~~ the action, unless it appears by the declaration and by proof that payment of said tax had been duly demanded before ~~suit~~ the action.'

**Sec. 256. R. S., c. 91-A, § 108, amended.** Section 108 of chapter 91-A of the Revised Statutes, as enacted by section 1 of chapter 399 of the public laws of 1955, is amended to read as follows:

'Sec. 108. Action may be brought in name of municipality. In addition to other provisions for the collection of taxes, the municipal officers of any municipality to which a tax is due may in writing direct ~~an~~ a civil action ~~of debt~~ to be commenced in the name of such municipality against the party liable; but no such defendant is liable for any costs of ~~suit~~ the action, unless it appears by the declaration and by proof that payment of said tax had been duly demanded before ~~suit~~ the action.'

Sec. 257. R. S., c. 91-A, § 118, amended. Section 118 of chapter 91-A of the Revised Statutes, as enacted by section 1 of chapter 399 of the public laws of 1955, is amended to read as follows:

'Sec. 118. Delivery of deed to purchaser after 2 years. If the estate is not redeemed within the time specified by payment of the full amount required by ~~the provisions of this chapter~~, the municipal treasurer shall deliver to the purchaser the deeds lodged with him by the tax collector; ~~and if~~. If he willfully refuses to deliver such deed to said purchaser, on demand, after said 2 years and forfeiture of the land ~~as aforesaid~~, he forfeits to said purchaser the full value of the property so to be conveyed, to be recovered in ~~an~~ a civil action ~~of debt~~, with costs and interest as in other cases; ~~the~~. The sureties of said treasurer shall make good the payment ~~here~~ required in default of payment by the principal; ~~and on~~. On the failure of both, the municipality is liable.'

Sec. 258. R. S., c. 91-A, § 119, amended. Section 119 of chapter 91-A of the Revised Statutes, as enacted by section 1 of chapter 399 of the public laws of 1955, is amended to read as follows:

'Sec. 119. Nonresident owner's action; time limit. Any nonresident owner of real estate sold under ~~the provisions of section 112~~, having paid the taxes, costs, charges and interest as ~~aforesaid~~ provided, may, at any time within one year after making such payment, commence a ~~suit~~ civil action against the municipality to recover the amount paid, and if on trial it appears that the money raised was for an unlawful purpose, he shall have judgment for the amount so paid. If not commenced within the year, the claim shall be forever barred. The ~~suit~~ action may be in the Superior Court and the plaintiff recovering judgment therein shall have full costs, although the amount of damages is less than \$20.'

Sec. 259. R. S., c. 91-A, § 121, amended. Section 121 of chapter 91-A of the Revised Statutes, as enacted by section 1 of chapter 399 of the public laws of 1955, is amended to read as follows:

'Sec. 121. Collector's deed; prima facie evidence of validity of sale. In the trial of any civil action ~~at law or in equity~~, involving the validity of any sale of real estate for nonpayment of taxes, it shall be sufficient for the party claiming under it, in the first instance to produce in evidence the tax collector's deed, duly executed and recorded, which shall be prima facie evidence of his title, and if the other party claims and offers evidence to show that such sale was invalid and ineffectual to convey the title, the party claiming under it shall have judgment in his favor so far as relates to said tax title, if he then produces the assessment, signed by the assessors, and their warrant to the tax collector, and proves that such tax collector complied with the requirements of law in selling such real estate; ~~and in~~. In all civil actions involving the validity of such sales the tax collector's return to the municipal clerk shall be prima facie evidence of all facts therein set forth.'

**[DUE TO ITS SIZE, THIS LAW HAS BEEN DIVIDED INTO TWO  
ELECTRONIC FILES. FOR THE REMAINDER OF THE  
CHAPTER, SEE THE SECOND FILE.]**