

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Second Legislature

OF THE

STATE OF MAINE

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less than 18 feet, and except further that 3-axle trucks with 2 rear axles driven and with brakes on wheels of all axles, hauling forest products may be operated upon the payment of an additional license fee of \$25 per calendar month, or fraction thereof, for any of the months of December, January or February at 15% in excess of the maximum gross weight permitted and that tractor-trailer combinations hauling forest products may be operated upon the payment of an additional fee of \$25 per calendar month, or fraction thereof, for any of the months of December, January or February at 15% in excess of the maximum gross and axle weights permitted, not, however, permitting, validating or in any way applying to the use of the Interstate System as defined in the Federal Aid Highway Act of 1956 by vehicles with weights carried on any one axle, tandem axle weights or overall gross weight or with width in excess of the applicable maximum weights or maximum widths permitted by section 108 (j) of the Federal Aid Highway Act of 1956 and except that 3-axle trucks with brakes on the wheels of all axles hauling construction materials may be operated for a gross weight of 48,000 pounds with a distance between the extreme axles of not less than 16 feet and except that in special cases, special permits for the transportation of individual shipments in loads of greater gross weights may be granted by the State Highway Commission or such appropriate commission or officials as is duly authorized elsewhere in this Title. All trucks with 4 or more axles shall have adequate brakes on the wheels of all axles.'

Effective September 3, 1965

Chapter 351

AN ACT Providing for the Model Joint Obligations Act.

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

Sec. 1. R. S., T. 14, c. 1, sub-c. II, additional. Chapter 1 of Title 14 of the Revised Statutes is amended by adding a new subchapter II to read as follows:

'SUBCHAPTER II

MODEL JOINT OBLIGATIONS ACT

§ 11. Definitions

In this subchapter, unless otherwise expressly stated, obligation does not include a liability in tort; obligor does not include a person liable for a tort; obligee does not include a person having a right based on a tort. Several obligors means severally bound for the same performance.

§ 12. Discharge of co-obligor by judgment

A judgment against one or more of several obligors, or against one or more of joint, or of joint and several obligors shall not discharge a co-obligor who was not a party to the proceeding wherein the judgment was rendered.

§ 13. Payments credited to co-obligors

The amount or value of any consideration received by the obligee from one or more of several obligors, or from one or more of joint, or of joint and several

obligors, in whole or in partial satisfaction of their obligations, shall be credited to the extent of the amount received on the obligations of all co-obligors to whom the obligor or obligors giving the consideration did not stand in the relation of a surety.

§ 14. Release with reservation of rights

Subject to section 13, the obligee's release or discharge of one or more of several obligors, or of one or more of joint, or of joint and several obligors shall not discharge co-obligors, against whom the obligee in writing and as part of the same transaction as the release or discharge, expressly reserves his rights; and in the absence of such a reservation of rights shall discharge co-obligors only to the extent provided in section 15.

§ 15. Release without reservation of rights

If an obligee releasing or discharging an obligor without express reservation of rights against a co-obligor, then knows or has reason to know that the obligor released or discharged did not pay so much of the claim as he was bound by his contract or relation with that co-obligor to pay, the obligee's claim against that co-obligor shall be satisfied to the amount which the obligee knew or had reason to know that the released or discharged obligor was bound to such co-obligor to pay.

If an obligee so releasing or discharging, an obligor has not then such knowledge or reason to know, the obligee's claim against the co-obligor shall be satisfied to the extent of the lesser of 2 amounts, namely; the amount of the fractional share of the obligor released or discharged, or the amount that such obligor was bound by his contract or relation with the co-obligor to pay.

§ 16. Death of joint obligor

On the death of a joint obligor in contract, his estate shall be bound as such, jointly and severally with the surviving obligor or obligors.

§ 17. Uniformity of interpretation; title

This subchapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it, and may be cited as the Model Joint Obligations Act.'

Sec. 2. Effective date. This Act shall take effect January 1, 1966, and shall not apply to obligations arising prior to that date.

Sec. 3. R. S., T. 14, § 6, repealed. Section 6 of Title 14 of the Revised Statutes is repealed as follows:

~~§ 6. Property of deceased debtor on joint contract liable~~

~~The goods and estate of a deceased debtor in a joint contract, express or implied, or in a judgment on contract are liable in the same manner and the creditor has the same remedy as in case of a joint and several contract.'~~