

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1955 SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 4

**Place in Pocket of Corresponding
Volume of Main Set**

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1955

such supplementary agreements, and shall not be subject to the 6 months' renunciation notice of the present article.

Article 15. Severability. That the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstances is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. (1955, c. 439.)

Chapter 153. Courts of Probate.

Judges of Probate.

Sec. 3. Judges; terms; salary.

Androscoggin, \$3,750,

Cumberland, \$6,500,

Franklin, \$1,500,

Kennebec, \$5,000,

Knox, \$2,400,

Lincoln, \$2,000,

Oxford, \$3,800,

Penobscot, \$3,650,

Sagadahoc, \$2,500,

Washington, \$2,100,

(1955, c. 255; c. 266, § 6; c. 316; c. 319, § 6; c. 347; c. 394, § 6; c. 445, § 6; c. 447, § 4; c. 459, § 8; c. 470, § 8.)

Effect of amendments.—This section was amended ten times by the Public Laws of 1955. Chapters 255, 266, 316, 319, 347, 394, 445, 447, 459 and 470 increased the salaries of the judges of probate in Knox, Franklin, Cumberland, Sagadahoc, Androscoggin, Penobscot, Washington, Lincoln, Oxford and Kennebec counties

respectively. As to Franklin, Sagadahoc, Washington and Lincoln counties, the amendments were made retroactive to January 1, 1955. As the rest of the section was not changed, only the lines relating to the salaries increased by the amendments are set out.

Registers of Probate.

Sec. 22. Registers elected; bond; salary; copies.

Androscoggin, \$3,000,

Cumberland, \$4,200,

Franklin, \$1,800,

Kennebec, \$4,000,

Lincoln, \$2,250,

Oxford, \$3,300,

Penobscot, \$3,650,

Sagadahoc, \$2,000,

Washington, \$2,500,

(1955, c. 266, § 7; c. 319, § 7; c. 394, § 7; c. 411, § 3; c. 445, § 8; c. 447, § 3; c. 459, § 9; c. 464, § 5; c. 470, § 9.)

Effect of amendments.—This section was amended nine times by the Public Laws of 1955. Chapters 266, 319, 394, 411, 445, 447, 459, 464 and 470 increased the

salaries of the registers of probate in Franklin, Sagadahoc, Penobscot, Cumberland, Washington, Lincoln, Oxford, Androscoggin and Kennebec counties respectively. As to Franklin, Sagadahoc, Washington and Lincoln counties, the

amendments were made retroactive to January 1, 1955. As the rest of the section was not changed, only the lines relating to the salaries increased by the amendments are set out.

Sec. 27. Register pro tempore.—In case of the absence of the register or in case of a vacancy in the office of the register of probate due to death, resignation or any other cause, the judge shall appoint a suitable person to act as register until the register resumes his duties or another is qualified in his stead. He shall be sworn and, if the judge requires it, give bond as in the case of the register. (R. S. c. 140, § 27. 1955, c. 283.)

Effect of amendment.—The 1955 amendment rewrote this section.

Rules of Practice.

Sec. 50. Rules of practice and procedure; blanks; revision of rules and blanks; approval.—The rules of practice and procedure in the courts of probate and insolvency, approved by a majority of the justices of the supreme judicial court June 17, 1916, and as thereafter revised and approved, are in force in all courts of probate and insolvency; and the blanks for use in said courts approved by the supreme judicial court September 30, 1916, and as thereafter revised and approved, shall be used in all courts of probate and insolvency, and no other blanks shall be used therein. The governor shall appoint a commission on probate rules and blanks consisting of 3 judges and 2 registers of probate. Each member of the commission shall serve for 4 years and until his successor is appointed and qualified, but membership on the commission shall terminate when he ceases to be a judge or register of probate. The commission may make new rules and blanks or amendments to existing rules and blanks as changes in statutes or convenience requires. Such new rules and blanks or amended rules and blanks shall, when approved by the supreme judicial court or a majority of the justices thereof, take effect and be in force in all courts of probate and insolvency.

The commission shall elect a chairman and a secretary, and shall receive no compensation for meetings of the commission but shall be reimbursed for their necessary traveling expenses. Compensation for services rendered by the secretary by direction of the commission and necessary clerical assistance and expense of printing reports of the commission shall be paid from any appropriation made therefor. (R. S. c. 140, § 49. 1955, c. 323.)

Effect of amendment.—The 1955 amendment rewrote all of this section following the first sentence. Section 2 of the amendatory act provides: "The members of the present Commission appointed by the Governor as provided by Section 50 of

Chapter 153 of the Revised Statutes shall constitute the first Commission under the statutes, as amended by this act, and shall continue as members of the Commission through December 31, 1956."

Chapter 154.

Executors and Administrators.

Wills and Executors.

Sec. 6. Depositions.—When any of the witnesses of a will offered for probate, or any other witness whose testimony is required to prove the signatures of the testator or of the witnesses of such will, live out of the state or more than 30 miles distant or, by age or indisposition of body, are unable to attend court, their depositions, taken as provided in chapter 117 or before a magistrate au-