

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1957 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES
VOLUME 4

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THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1957

Sec. 9. How duties of support enforced.

Residence of the obligee shall determine the jurisdiction of the court even though the petitioner may have been a party to a divorce granted in another jurisdiction in which support was allowed. (1949, c. 297. 1951, c. 186. 1953, c. 248. 1957, c. 280.)

Effect of amendment. — The 1957 amendment substituted the word "obligee" for the word "petitioner", which formerly appeared as the fourth word of the last

paragraph. As the first paragraph was not changed by the amendment, it is not set out.

Sec. 11. Officials to represent petitioner. — The county attorney shall represent the petitioner in any proceeding under this chapter when this state is the responding state. (1949, c. 297. 1951, c. 186. 1953, c. 248. 1955, c. 5, § 1.)

Effect of amendment. — The 1955 amendment deleted the words "upon the request

of the court" after the words "county attorney."

Sec. 18. Further duty of responding court. — If a court of this state, acting as a responding state, is unable to obtain jurisdiction of the respondent or his property due to inaccuracies or inadequacies in the petition or otherwise, the court shall communicate this fact to the court in the initiating state, shall on its own initiative use all means at its disposal to trace the respondent or his property, and shall hold the case pending the receipt of more accurate information or an amended petition from the court in the initiating state. When it is learned that the respondent is in another county of this state, the clerk shall forward all papers to that county where the clerk shall handle the cause as directed in section 17. (1949, c. 297. 1951, c. 186. 1953, c. 248. 1955, c. 5, § 2.)

Effect of amendment. — The 1955 amendment added the second sentence.

Sec. 21. Additional powers of court.

II. To require the respondent to make payments at specified intervals to the clerk of the court and to report personally to such clerk at such times as may be deemed necessary. (1955, c. 5, § 3)

III. To punish the respondent who shall violate any order of the court to the same extent as is provided by law for contempt of the court in any other suit or proceeding cognizable by the court or an execution may issue as in actions of tort. When the respondent is committed to jail for contempt or on execution issued, as provided, the county having jurisdiction of the process shall bear the expense of his support and commitment and he may be discharged in the same manner as provided by section 64 of chapter 166. (1949, c. 297. 1951, c. 186. 1953, c. 248. 1955, c. 5, § 3. 1957, c. 22.)

Effect of amendments. — The 1955 amendment deleted the words "or the obligee" after the word "court" in line two of subsection II.

The 1957 amendment added the words "or an execution may issue as in actions

of tort" in the first sentence and added the second sentence in subsection III.

As the rest of the section was not changed by the amendments, only subsections II and III are set out.

Chapter 167-A.

Uniform Civil Liability for Support Act.

Sec. 1. Definitions. — As used in this chapter, unless the context requires otherwise:

"Child" means a son or daughter under the age of 21 years and a son or daughter of whatever age who is incapacitated from earning a living and without sufficient means.

"Obligee" means any person to whom a duty of support is owed.

"Obligor" means any person owing a duty of support.

"Parent" includes either a natural parent or an adoptive parent.

"State" includes any state, territory or possession of the United States, the District of Columbia and the commonwealth of Puerto Rico. (1955, c. 328.)

"Incapacitated from earning a living," was held equivalent to the words "incapacitated." — A petition which alleged that a daughter twenty-eight years of age "is without means, unable to maintain herself and is likely to become a public charge"

Sec. 2. Man's duty of support. — Every man shall support his wife and his child; and his parent when in need. (1955, c. 328.)

Sec. 3. Woman's duty of support. — Every woman shall support her child; and her husband and her parent when in need. (1955, c. 328.)

Sec. 4. Extent of duties of support. — An obligor present or resident in this state has the duty of support as defined in this chapter regardless of the presence or residence of the obligee. (1955, c. 328.)

Sec. 5. Jurisdiction. — The superior court shall have jurisdiction of all proceedings brought under this chapter. (1955, c. 328.)

Sec. 6. Amount of support. — When determining the amount due for support the court shall consider all relevant factors including but not limited to:

I. The standard of living and situation of the parties;

II. The relative wealth and income of the parties;

III. The ability of the obligor to earn;

IV. The ability of the obligee to earn;

V. The need of the obligee;

VI. The age of the parties;

VII. The responsibility of the obligor for the support of others. (1955, c. 328.)

Sec. 7. Modification of order. — The court shall retain jurisdiction to modify or vacate the order of support where justice requires. (1955, c. 328.)

Sec. 8. Enforcement of rights. — The obligee may enforce his right of support against the obligor and the state or any political subdivision thereof may proceed on behalf of the obligee to enforce his right of support against the obligor. Whenever the state or a political subdivision thereof furnishes support to an obligee, it has the same right as the obligee to whom the support was furnished, for the purpose of securing reimbursement and of obtaining continuing support. (1955, c. 328.)

Sec. 9. Appeals. — Appeals may be taken from orders under this chapter as in other civil actions. (1955, c. 328.)

Sec. 10. Evidence of husband and wife. — Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable under this chapter. Husband and wife are competent witnesses to testify to any relevant matter, including marriage and parentage. (1955, c. 328.)

Sec. 11. Rights additional to those now existing. — The rights herein created are in addition to and not in substitution for any other rights. (1955, c. 328.)

Sec. 12. Uniformity of interpretation. — This chapter shall be so in-

terpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it. (1955, c. 328.)

Sec. 13. Short title. — This chapter may be cited as the Uniform Civil Liability for Support Act. (1955, c. 328.)

Chapter 168.

Conveyances by Deed. Form and Construction. Trusts.

Sec. 13. Conveyances to 2 or more. — Conveyances not in mortgage, and devises of land to 2 or more persons, create estates in common, unless otherwise expressed. Deeds in which two or more grantees are named as joint tenants shall be construed as vesting an estate in fee simple in such grantees with right of survivorship.

(1955, c. 431.)

Effect of amendment. — The 1955 amendment rewrote the second sentence of the first paragraph. As the rest of the section

was not changed by the amendment, only the first paragraph is set out.

Sec. 16. No estate in lands greater than tenancy at will, unless by writing.

Estoppe to set aside title. — As to owner of real estate or person claiming under owner being estopped to bring suit to set aside title because owner had not granted or surrendered his title by a writing signed according to the provisions of this section, see Wood v. LeGoff, 152 Me. 19, 121 A. (2d) 468.

Sec. 23. Deeds and other instruments acknowledged; admitted to record. — Deeds and all other written instruments before recording in the registries of deeds, except those issued by a court of competent jurisdiction and duly attested by the proper officer thereof, and excepting plans and notices of foreclosure of mortgages and certain chattel mortgages as provided in section 1 of chapter 178, and excepting notices of liens for internal revenue taxes and certificates discharging such liens as provided in section 240 of chapter 89, shall be acknowledged by the grantors, or by the persons executing any such written instruments, or by one of them, or by their attorney executing the same, or by the lessor in a lease or one of the lessors or his attorney executing the same, before a justice of the peace, or notary public having a seal, in the state; or before any clerk of a court of record having a seal, notary public, justice of the peace or commissioner appointed by the governor of this state for the purpose, or a commissioner authorized in the state where the acknowledgment is taken, within the United States; or before a minister or consul of the United States or notary public in any foreign country. The seal of such court or the official seal of such notary public or commissioner, if he has one, shall be affixed to the certificate of acknowledgment, but if such acknowledgment is taken outside the state before a justice of the peace, notary public not having a seal or commissioner, a certificate under seal from the secretary of state, or clerk of a court of record in the county where the officer resides or took the acknowledgment, authenticating the authority of the officer taking such acknowledgment and the genuineness of his signature, must be annexed thereto.

Any person who is in the armed forces of the United States, and who executes a general or special power of attorney, deed, lease, contract or any instrument that is required to be recorded, may acknowledge the same as his true act and deed before any lieutenant or officer of senior grade thereto in the army, U. S. marine corps or air force, or before any ensign or officer of senior grade thereto in the navy or coast guard, and the record of such acknowledgment by said officers shall be received and have the same force and effect as acknowledgments