

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

REVISED STATUTES
OF THE
STATE OF MAINE
1954

1959 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES
VOLUME 4

Place in Pocket of Corresponding
Volume of Main Set

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1959

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 from earning a living and without sufficient means.” *Rosenberg v. Rosenberg*, 152 Me. 161, 125 A. (2d) 863.
etc.—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 interpreted 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. 1. Conveyances by deed; what passes as realty.

Cross reference.—See c. 158-A, §§ 1-10, re Uniform Gifts to Minors Act.

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.

Estoppel 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 cer-