

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1963 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

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THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1963

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 and the district court shall have jurisdiction of all proceedings brought under this chapter. (1955, c. 328. 1963, c. 402, § 275.)

Effect of amendment.—The 1963 amendment added “and the district court.”

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.

This section does not abolish joint tenancies, but the intent to create such an estate must be clear and convincing. *Palmer v. Flint*, 156 Me. 103, 161 A. (2d) 837.

Which are looked upon with favor.—It may well be said that joint tenancies in this jurisdiction, for many practical reasons, are now being looked upon with favor rather than with disfavor. *Palmer v. Flint*, 156 Me. 103, 161 A. (2d) 837.

Elements of joint tenancy.—In the creation of joint tenancies, four essential elements are necessary, to wit: unity of time, unity of title, unity of interest, and unity

of possession. *Palmer v. Flint*, 156 Me. 103, 161 A. (2d) 837.

And incidents.—Two incidents of a joint tenancy are the right of survivorship and the right of severance. *Palmer v. Flint*, 156 Me. 103, 161 A. (2d) 837.

Language creating joint tenancy.—Where the granting and habendum clauses in a deed conveyed to husband and wife “as joint tenants, and not as tenants in common, to them and their assigns and to the survivor, and the heirs and assigns of the survivor forever,” all of the elements of a joint tenancy were present and the deed conveyed the entire estate disposed of by the grantor to the grantees as joint tenants with all the incidents and attributes of such tenancy at common law. *Palmer v. Flint*, 156 Me. 103, 161 A. (2d) 837.

Sec. 14. Priority of recorded deeds and leases; memorandums of leases.

A memorandum of lease of real estate may be recorded, and if so recorded, the lease shall be considered recorded for all purposes. Said memorandum shall be executed and acknowledged by one of the lessors, name all the parties to the lease, contain an intelligible description of the property leased, state the date and the term of the lease, describe any provisions related to renewals or extensions, describe any provisions relating to options to purchase or the transfer of title, but need not describe any provisions relating to rent. The recording of