

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

1963 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 4

Discard Previous Supplement

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1963

Sec. 83. Disposal of proceeds.—Money paid into court may be paid over to the person legally entitled to it, on motion and order of the court. If it is not called for at the first term after it is paid into court, it shall be paid into the county treasury. If afterwards the person entitled to it upon motion establishes his claim to it, the court may order the county treasurer to pay it to him. (R. S. c. 164, § 82. 1961, c. 317, § 610.)

Effect of amendment.—The 1961 amendment divided the former second sentence of this section into two sentences, substituted “motion” for “petition” in the pres-

ent first sentence and substituted “upon motion” for “petitions and” in the present last sentence.

Secs. 84, 85. Repealed by Public Laws 1963, c. 402, § 276.

Application of repealing act.—Section 280 of c. 402, P. L. 1963, provides that the act shall apply only to the district court when established in a district and that the

laws in effect prior to the effective date of the act shall apply to all municipal and trial justice courts.

Pledges.

Secs. 86, 87. Repealed by Public Laws 1963, c. 362, § 31.

Cross reference.—For provisions of the Uniform Commercial Code re secured transactions, see c. 190, §§ 9-101 to 9-507.

Effective date.—Section 43, c. 362, P. L. 1963, makes the act effective December 31, 1964.

Chapter 179.

Personal Property Forfeited. Lost Goods. Stray Beasts.

Personal Property Forfeited.

Sec. 4. Inventory and appraisal, if no claimant.—If no person claims the property after such seizure, the party seizing shall cause an inventory and appraisal thereof to be made by 3 disinterested persons, under oath, appointed by a justice of the peace in the county; which shall be the rule for deciding in what court the complaint shall be filed. (R. S. c. 165, § 4. 1961, c. 317, § 611.)

Effect of amendment.—The 1961 amendment substituted “complaint” for “libel” near the end of this section.

Sec. 5. If value exceeds \$20, complaint filed in superior court; notice.—If the value of the property seized exceeds \$20, the party seizing, within 20 days, shall file a complaint in the clerk’s office of the superior court in the county where the offense was committed, stating the cause of seizure and praying for an order of forfeiture. The clerk shall thereupon make out a notice to all persons to appear at such court at the time appointed to show cause why such order should not be passed, which notice shall be published in some newspaper printed in the county, if any, if not, in the state paper, at least 14 days before the time of trial. (R. S. c. 165, § 5. 1961, c. 317, § 612.)

Effect of amendment.—The 1961 amendment substituted “complaint” for “libel” and “an order” for “a decree” in the first sentence of this section and substituted “order” for “decree” in the second sentence.

Sec. 6. Court may order party seizing to give bond.—When there is a claimant, the court may order the party seizing to give bond to him with sufficient surety for the safekeeping of the property seized, compliance with the order of court for restoration, and the payment of costs and damages, if not forfeited, and may hear and determine the cause by a jury, or without, if the parties agree, and may allow costs against the claimant. If there is no claimant, the court shall

order the forfeiture and disposal of the property according to law, and a sale and distribution of the proceeds, after deducting all proper charges. (R. S. c. 165, § 6. 1963, c. 414, § 148.)

Effect of amendment.—The 1963 amendment divided this section into two sentences and substituted “order” for “decree” in both such sentences.

Sec. 7. If complaint not supported, property restored with damages.—If the complaint is not supported or is discontinued, the court shall order a restoration of the property, with costs. If the jury or court finds the seizure without probable cause, reasonable damages shall be ordered for the claimant. (R. S. c. 165, § 7. 1961, c. 317, § 613. 1963, c. 414, § 149.)

Effect of amendments. — The 1961 amendment substituted “complaint” for “libel” near the beginning of this section. The 1963 amendment substituted “order” for “decree” in the first sentence and also substituted “ordered” for “decreed” in the second sentence.

The 1963 amendment substituted “order”

Sec. 8. Repealed by Public Laws 1963, c. 402, § 277.

Editor’s note.—The repealed section had been amended by P. L. 1961, c. 317, § 614, and c. 417, § 185.

Application of repealing act.—Section 280 of c. 402, P. L. 1963, provides that the

act shall apply only to the district court when established in a district and that the laws in effect prior to the effective date of the act shall apply to all municipal and trial justice courts.

Lost Goods and Stray Beasts.

Sec. 19. Damages recovered by sufferers; beasts taken up; lien.—Any person injured in his land by sheep, swine, horses, asses, mules, goats or neat cattle, in a common or general field, or in a close by itself, may recover his damages by taking up any of the beasts doing it, and giving the notice provided in section 11, or in a civil action against the person owning or having possession of the beasts at the time of the damage, and there shall be a lien on said beasts, and they may be attached in such action and held to respond to the judgment as in other cases, whether owned by the defendant or only in his possession. If the beasts were lawfully on the adjoining lands, and escaped therefrom in consequence of the neglect of the person suffering the damage to maintain his part of the partition fence, their owner shall not be liable therefor. (R. S. c. 165, § 19. 1961, c. 317, § 615.)

Effect of amendment.—The 1961 amendment substituted “a civil action” for “an

action of trespass” in the first sentence of this section.

Chapter 180.

Mills and Dams.

Sections 39-A to 39-C. Water Storage Reservoirs.

Erection of Mills and Dams, and Rights of Flowage.

Sec. 1. Right to erect and maintain milldams, and to divert water by canal for mills.

Quoted in *Central Maine Power Co. v. Public Utilities Comm.*, 156 Me. 295, 163 A. (2d) 762.

Sec. 3. Not to injure mill or canal previously built.

Quoted in *Central Maine Power Co. v. Public Utilities Comm.*, 156 Me. 295, 163 A. (2d) 762.