

MAINE STATE LEGISLATURE

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SEVENTY-NINTH LEGISLATURE

HOUSE

NO. 25

House of Representatives, Jan. 23, 1919.

Referred to Committee on Judiciary and 500 copies ordered printed.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Eaton of Rumford.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND NINETEEN

AN ACT to amend section 5 of chapter one hundred and
eighteen of the Revised Statutes relating to fees of sheriffs
and their deputies.

Be it enacted by the People of the State of Maine, as follows:

Section 5 of chapter one hundred and eighteen of the Re-
vised Statutes is hereby amended by striking out all of said
section and inserting in place thereof the following:

For the service of an original summons or scire facias,
either by reading or copy, or for the service of a capias or
attachment with summons on one defendant, seventy-five
cents; if served on more than one defendant, seventy-five
cents more for each.

If the sheriff, or his deputy, by written direction of the
2 plaintiff, his agent or attorney, makes special service of
3 any writ of attachment by attaching property, he shall re-
4 ceive therefor fifty cents and seventy-five cents for serving
5 the summons thereon; and for taking the body on a *capias*,
6 one dollar for each defendant on whom such writ is so
7 served.

Where the officer is by law directed to leave a copy, or
2 gives a copy of any precept upon demand, he may charge at
3 the rate of twenty cents a page, which, in the latter case, shall
4 be paid by the party demanding it.

If real estate is attached, the officer may charge fifty cents
2 for leaving with the register of deeds an attested copy of
3 his return and other particulars, as required by law, and in-
4 stead of travel, legal postage; and the usual rate of travel
5 from the residence of such officer to the nearest postoffice;
6 and he shall pay the register ten cents, and tax the same
7 with his own fees.

For a bail-bond and writing the same, including principal
2 and sureties, to be paid by the person admitted to bail, and
3 taxed for him, if he prevails, twenty cents.

For the service of a subpoena, notice to an adverse party, or
2 other process in which there is no command to make return,
3 fifty cents; if by copy, at the rate of twenty cents a page
4 for the copy; and travel as in other cases; and service on an
5 adverse party, by giving him an attested copy of the notice in
6 hand, is valid.

For levying and collecting executions in personal actions,
2 for every dollar of the first hundred dollars, three cents;
3 for every dollar above one hundred, and not exceeding two
4 hundred dollars, two cents; and for every dollar above two
5 hundred dollars, one cent.

For serving a writ of possession, one dollar and ten cents;
2 and if on more than one piece of land, seventy-five cents for
3 each piece of land after the first; and the fees for levying and
4 collecting the costs shall be the same as above provided for
5 executions in personal actions.

For serving an execution upon a judgment of court for
2 partition of real estate, or assignment of dower, one dollar a
3 day and four cents a mile from the officer's place of abode
4 to the place of service. For service of a petition to the
5 legislature, fifty cents, and twenty cents for each page of
6 copy, with usual travel.

For causing appraisers to be sworn, and making return of
2 levying on real estate, fifty cents.

For each appraiser of real estate, for extending execution,
2 or assigning dower, one dollar a day and travel at the rate of
3 four cents a mile going out and returning home, to be paid
4 by the officer and charged in his return.

For advertising, in a newspaper, a right in equity of re-
2 decming mortgaged real estate, to be sold on execution, such
3 sum as he pays the printer therefor; for writing and posting
4 notices of the sale of such equity in the town where
5 the land lies, and in two adjoining towns, three dollars and

6 usual travel and for making out a deed and return of the
7 sale of such equity, two dollars.

When the estate or interest of any person, held by a
2 possession or improvement, is seized and sold on execution,
3 or the franchise or other property of a corporation, or the
4 property of an individual, is sold on execution by a process
5 similar thereto, and advertising in like manner, the officer
6 is entitled to the same as in the sale of an equity of re-
7 demption.

The fees of the register of deeds for recording a levy upon
2 real estate, or the deed of the officer for the sale of real
3 estate on execution, and all sums paid by the officer for in-
4 ternal revenue stamps to be affixed to such deeds, shall be
5 taxed by the officer in his return; and every officer, making
6 levy on real estate by appraisal, shall cause the execution and
7 his return thereon to be recorded by the register of deeds
8 for the district where the land lies, within three months
9 after such levy.

For the service of a warrant, the officer is entitled to one
2 dollar, and one dollar for service of a mittimus to commit
3 a person to jail or to the house of correction, and usual
4 travel, with reasonable expenses incurred in the conveyance
5 of such prisoner.

For each aid, necessarily employed in criminal cases, in-
2 cluding expenses, one dollar a day, and in that proportion for
3 a longer or shorter time, and four cents a mile for travel in
4 going out and returning home.

For the service of a subpoena in criminal cases, one dollar;
2 unless in special cases, when the court may increase the fees
3 to what it judges reasonable.

For attending court, and keeping the prisoner in criminal
2 cases, one dollar and fifty cents for every twelve hours, and
3 in that proportion for a greater or less time.

For travel actually performed for the service of a writ,
2 warrant, execution or other process, ten cents a mile each
3 way, from the officer's residence to the place of the service
4 of the precept, by the usually traveled route, with all rea-
5 sonable sums actually paid for boat hire, ferriage and for
6 crossing any toll bridge, and postage for returning the process
7 by mail to the court to which it is returnable. Only one
8 travel shall be allowed for any one precept, and no con-
9 structive travel; but if the same is served on more than one
10 person, the travel may be computed from the place of ser-
11 vice most remote from the place of return, with all further
12 necessary travel in serving such precept.

No charge of such officer for service, travel or expenses
2 paid, shall be allowed, unless the items thereof are ex-
3 pressly stated, and the amount of each; and no fees for con-
4 structive travel shall be allowed him for the service of a
5 subpoena, notice to an adverse party, or other process in
6 which there is no command to make return.

For transmitting to the selectmen of towns precepts from
2 the governor for calling special meetings for the election of
3 representatives to congress from any district, with copies

4 of the lists of persons previously voted for, for each town,
5 fifty cents.

Every deputy sheriff, while in attendance upon the supreme
2 judicial court in the several counties, and while in attend-
3 ance on any court where jury trials may be held, shall re-
4 ceive for said attendance three dollars per day. The sheriff,
5 at its opening, shall present to the court, a list of the officers
6 attending, with a statement of the duties of each; and the
7 court shall determine the number necessary, and disallow
8 charges for others.

The remuneration of the officer appointed to attend the
2 superior court for the county of Cumberland shall be three
3 dollars a day for such attendance.

For services under chapter one hundred and fifteen, as
2 follows: taking a debtor before the justice or justices for
3 disclosure, travel as in service of a writ, and attendance,
4 seventy-five cents; for a bail or other bond, twenty-five
5 cents; and for recommitment of a prisoner when remanded,
6 twenty-five cents; but no dollarage or commission shall be
7 allowed to the officer for an arrest or commitment upon exe-
8 cution or mesne process, except upon the money actually
9 collected; for arresting a debtor on execution, when he dis-
10 closes without giving bond, one dollar, and travel as afore-
11 said; for keeping him, two dollars a day for himself and
12 each necessary aid; for notifying the creditor and justices,
13 fifty cents each, and travel as aforesaid; and no officer is
14 required to arrest a debtor on execution, unless a written

15 direction to do so, signed by the creditor or his attorney,
16 is endorsed thereon, and a reasonable sum for such fees is
17 paid or secured to him, for which he shall account to the
18 creditor as for money collected on execution.