

# MAINE STATE LEGISLATURE

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SEVENTY-NINTH LEGISLATURE

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HOUSE

NO. 28

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House of Representatives, Jan. 24, 1919.

Introduced by Mr. Weatherbee of Lincoln by Mr. Allen of Sanford tabled for printing pending reference to a committee and 500 ordered printed.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Weatherbee of Lincoln.

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STATE OF MAINE

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

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AN ACT to amend section five of chapter one hundred and eighteen of the Revised Statutes relating to Fees of Sheriffs and their Deputies.

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

Section five of chapter one hundred and eighteen relating  
2 to fees of sheriffs and their deputies is hereby amended by  
3 repealing all of said section and enacting in lieu thereof  
4 the following section:

'Sect. 5. Sheriffs and their deputies. Revised Statutes,  
2 chapter 117, section 5, 1907, chapter 138, 1913, chapter 179:  
3 For the service of an original summons or scire facias, either

4 by reading or copy, for the service of a capias or attach-  
5 ment with summons on one defendant, seventy-five cents ;  
6 if serves on more than one defendant, seventy-five cents  
7 more for each.

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

Where the officer is by law directed to leave a copy, or gives  
2 a copy of any precept upon demand, he may charge at the  
3 rate of twelve 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 twenty-five  
2 cents for leaving with the register of deeds an attested copy  
3 of his return and other particulars, as required by law, and  
4 instead 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 with  
7 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 subpœna, notice to an adverse party, or  
2 other process in which there is no command to make return,  
3 twenty-five cents ; if by copy, at the rate of twelve cents a

4 page for the copy ; and travel as in other cases ; and service  
5 on an adverse party, by giving him an attested copy of the  
6 notice in 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  
3 for each piece of land after the first ; and the fees for levy-  
4 ing and collecting the costs shall be the same as above pro-  
5 vided for 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  
3 a 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, thirty cents, and twelve cents for each page of  
6 copy, with usual travel.

For causing appraisers to be sworn, and making return of  
2 levy 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  
3 of four cents a mile going out and returning home, to be  
4 paid by the officer and charged in his return.

For advertising, in a newspaper, a right in equity of re-  
2 deeming mortgaged real estate, to be sold on execution, such

3 sum as he pays the printer therefor; for writing and post-  
4 ing notices of the sale of such equity in the town where the  
5 land lies, and in two adjoining towns, one dollar and for  
6 making out a deed and return of the sale of such equity,  
7 one dollar.

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 is  
6 entitled to the same as in the sale of an equity of redemption.

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 deed, shall be  
5 taxed by the officer in his return; and every officer, making  
6 a levy on real estate by appraisal, shall cause the execution  
7 and his return thereon to be recorded by the register of  
8 deeds for the district where the land lies, within three  
9 months after such levy.

For the service of a warrant, the officer is entitled to  
2 seventy-five cents, and seventy-five cents for service of a  
3 mittimus to commit a person to jail or to the house of cor-  
4 rection, and usual travel, with reasonable expenses incurred  
5 in the conveyance of such prisoner.

For each aid, necessarily employed in criminal cases, in-  
2 cluding expenses, one dollar a day, and in that proportion

3 for a longer or shorter time, and four cents a mile for travel  
4 in going out and returning home.

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

For attending court, and keeping the prisoner in criminal  
2 cases, seventy-five cents for every twelve hours, and in that  
3 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  
7 process by mail to the court to which it is returnable. Only  
8 one travel shall be allowed for any one precept, and no  
9 constructive travel; but if the same is served on more than  
10 one person, the travel may be computed from the place of  
11 service most remote from the place of return, with all  
12 further 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 expressly  
3 stated, and the amount of each; and no fees for constructive  
4 travel shall be allowed him for the service of a subpoena,  
5 notice to an adverse party, or other process in which there  
6 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 su-  
2 preme judicial court in the several counties, and while in at-  
3 tendance on any court where jury trials may be held, shall  
4 receive for said attendance three dollars per day. The  
5 sheriff, at its opening, shall present to the court a list of  
6 the officers attending, with a statement of the duties of each ;  
7 and the court shall determine the number necessary, and  
8 disallow 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 a justice or justices for dis-  
3 closure, travel as in service of a writ, and attendance,  
4 twenty-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  
8 execution or mesne process, except upon the money actually  
9 collected ; for arresting a debtor on execution, when he  
10 discloses without giving bond, fifty cents, and travel as afore-  
11 said ; for keeping him, one dollar a day for himself and each  
12 necessary aid ; for notifying the creditor and justices, twenty-

13 five 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, is  
16 endorsed thereon, and a reasonable sum for such fees is paid  
17 or secured to him, for which he shall account to the creditor  
18 as for money collected on execution.'