

MAINE STATE LEGISLATURE

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NEW DRAFT

SEVENTY-NINTH LEGISLATURE

HOUSE

NO. 452

House of Representatives, March 19, 1919.

Reported by Mr. Barnes from Committee on Judiciary and ordered printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

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

AN ACT to Amend Section Five 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 five of chapter one hundred and eighteen of the 2 revised statutes is hereby amended by striking out all of 3 said section and inserting in place thereof the following:

‘Sect. 5. SHERIFFS AND THEIR DEPUTIES. R. S. 2 c. 117, Sec. 5. 1907, c. 138. 1913, c. 179. For the service 3 of an original summons or scire facias, either by reading 4 or copy, or for the service of a capias or attachment with 5 summons on one defendant, seventy-five cents; if served on

6 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 any
3 writ or attachment by attaching property, he shall receive
4 therefor fifty cents and seventy-five cents for serving the
5 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
3 at the rate of twenty cents a page, which, in the latter case,
4 shall be paid by the party demanding it.

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

For a bail-bond and writing the same, including princi-
2 pal and sureties, to be paid by the person admitted to bail,
3 and taxed for him, if he prevails, one dollar.

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

5 service on an adverse party, by giving him an attested copy
6 of the 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
5 provided 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 dol-
3 lar a day and ten cents a mile from the officer's place of
4 abode to the place of service. For service of a petition
5 to the legislature, fifty cents, and twenty cents for each page
6 of copy, with usual travel.

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

For each appraiser of real estate, for extending execu-
2 tion, or assigning dower, one dollar a day and travel at
3 the rate of ten cents a mile going out and returning home.
4 to be 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,
3 such sum as he pays the printer therefor; for writing and

4 posting notices of the sale of such equity in the town where
5 the land lies, and in two adjoining towns, three dollars
6 and usual travel and for making out a deed and return of
7 the 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 execu-
3 tion, or the franchise or other property of a corporation,
4 or the property of an individual, is sold on execution by a
5 process similar thereto, and advertising in like manner,
6 the officer is entitled to the same as in the sale of an equity
7 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
4 internal revenue stamps to be affixed to such deeds, shall
5 be taxed by the officer in his return; and every officer, mak-
6 ing levy on real estate by appraisal, shall cause the execu-
7 tion and his return thereon to be recorded by the register
8 of 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 one
2 dollar, and one dollar for service of a mittimus to com-
3 mit 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, two dollars a day, and in that proportion

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

For the service of a subpoena in criminal cases, one dol-
2 lar; 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, one dollar and fifty cents for every twelve hours,
3 and 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 ser-
4 vice of the precept, by the usually traveled route, with all
5 reasonable sums actually paid for boat hire, ferriage and
6 for 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 construction 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 fur-
12 ther 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 express-
3 ly 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
3 of 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 in Androscoggin, Cumberland, Ken-
2 nebec, Penobscot, or York county while in attendance upon
3 the supreme judicial court or the superior court in their
4 several counties shall receive for said attendance and ser-
5 vice four dollars a day; and in all other counties of the
6 state a deputy sheriff so serving shall receive for such at-
7 tendance and service three dollars a day, and the sheriff,
8 at its opening, shall present to the court, a list of the offi-
9 cers attending, with a statement of the duties of each;
10 and the court shall determine the number necessary, and
11 disallow charges for others.

Every deputy sheriff, while performing special duties un-
2 der order of the sheriff shall receive for such services four
3 dollars a day, together with necessary, incidental expenses,
4 to be paid from the county treasury, the bills for which
5 shall be audited as provided in section one, chapter one
6 hundred thirty-eight of the revised statutes.

For services under chapter one hundred and fifteen, as
2 follows: Taking a debtor before the justice or justices
3 for disclosure, travel as in service of a writ, and attend-
4 ance, seventy-five cents; for a bail or other bond, twenty-
5 five cents; and for recommitment of a prisoner when re-
6 manded, twenty-five cents; but no dollarage or commis-

7 sion shall be allowed to the officer for an arrest or com-
8 mitment upon execution or mesne process, except upon
9 the money actually collected; for arresting a debtor on
10 execution, when he discloses without giving bond, one
11 dollar, and travel as aforesaid; for keeping him, two dol-
12 lars a day for himself and each necessary aid; for notify-
13 ing the creditor and justices, fifty cents each, and travel
14 aforesaid; and no officer is required to arrest a debtor on
15 execution, unless a written direction to do so, signed by
16 the creditor or his attorney is endorsed thereon, and a
17 reasonable sum for such fees is paid or secured to him, for
18 which he shall account to the creditor as for money col-
19 lected on execution.'

Any section of statute inconsistent herewith is hereby re-
2 pealed.