

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-SECOND LEGISLATURE

H. P. No. 1190

H. D. No. 421

In House of Representatives, March 18, 1925.

Reported by Mr. Melcher from Committee on Salaries and Fees and laid on table to be printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE

AN ACT to Amend Section Five of Chapter One Hundred and Eighteen of the Revised Statutes as Amended by Chapter Two Hundred and Twenty-two of the Public Laws of Nineteen Hundred and Nineteen and by Chapter Two Hundred and Forty-four of the Public Laws of Nineteen Hundred and Nineteen and by Chapter One Hundred Twelve of the Public Laws of Nineteen Hundred and Twenty-three, Relating to the Salaries of Deputy Sheriffs of Cumberland County.

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

That section five of chapter one hundred and eighteen of 2 the revised statutes as amended by chapter two hundred

3 and twenty-two of the public laws of nineteen hundred and
4 nineteen and by chapter two hundred and forty-four of
5 the public laws of nineteen hundred and nineteen and by
6 chapter one hundred twelve of the public laws of nineteen
7 hundred and twenty-three is hereby amended by striking
8 out the word "Cumberland" in the second line of the twen-
9 ty-first paragraph thereof and by inserting after the word
10 "day" in the sixth line of said paragraph thereof the fol-
11 lowing words: 'In the county of Cumberland every deputy
12 sheriff so serving shall receive for such attendance and
13 service four dollars and a half a day' and by inserting after
14 the word "day" in the twenty-second paragraph thereof the
15 following words, 'except that deputies so serving in the
16 county of Cumberland shall receive for such services four
17 dollars and a half a day,' so that said section as amended
18 will read as follows:

'Sect. 5. *Sheriffs and their deputies.* For the service of
2 an original summons or scire facias, either by reading or
3 copy, or for the service of a *capias* or attachment with
4 summons on one defendant, seventy-five cents; if served
5 on more than one defendant, seventy-five cents more for
6 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 fifty cents and seventy-five cents for serving the
5 summons thereon; and for taking the body on a *capias*, one

6 dollar for each defendant on whom such writ is so 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 principal
2 and sureties, to be paid by the person admitted to bail, and
3 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 serv-
5 ice on an adverse party, by giving him an attested copy of
6 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 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 ten 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 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 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 pos-
2 session 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 the 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,
6 making levy on real estate by appraisal, shall cause the
7 execution and his return thereon to be recorded by the reg-
8 ister of deeds for the district where the land lies, within
9 three 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 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, two dollars a day, and in that proportion
3 for a longer or a 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, 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 serv-

4 ice of the precept, by the usually travelled 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 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 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 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 and court messenger in Androsco-
2 gin, Aroostook, Franklin, Hancock, Kennebec, Knox, Lin-
3 coln, Penobscot, Piscataquis, Sagadahoc, Somerset, Waldo,
4 Washington or York county while in attendance upon the
5 supreme judicial court of the superior court in their sev-
6 eral counties shall receive for said attendance and service
7 four dollars a day; in the county of Cumberland every dep-

8 uty sheriff so serving shall receive for such attendance and
9 service four dollars and a half a day, and in all other coun-
10 ties of the state a deputy sheriff so serving shall receive
11 for such attendance and service three dollars a day, and
12 the sheriff, at its opening, shall present to the court, a list
13 of the officers attending, with a statement of the duties of
14 each; and the court shall determine the number necessary,
15 and 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; except that the deputies so serving in the
4 county of Cumberland shall receive for such services four
5 dollars and a half a day; together with necessary, incidental
6 expenses, to be paid from the county treasury, the bills for
7 which shall be audited as provided in section one, chapter
8 one hundred and 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 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
8 execution or mesne process, except upon the money actu-
9 ally collected; for arresting a debtor on execution, when
10 he discloses without giving bond one dollar, and travel as
11 aforesaid, for keeping him, two dollars a day for himself

12 and each necessary aid; for notifying the creditor and jus-
13 tices, fifty cents each, and travel aforesaid; and no officer
14 is required to arrest a debtor on execution, unless 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
17 paid or secured to him, for which he shall account to the
18 creditor as for money collected on execution.'

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

Constables allowed same fees in civil cases as deputy sher-
2 *iffs.* For any of the above enumerated services in civil
3 cases which a constable may legally perform he shall re-
4 ceive the same fees as are provided above for deputy sher-
5 *iffs.*