

# MAINE STATE LEGISLATURE

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REVISED STATUTES

OF THE

STATE OF MAINE

1954

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1957 CUMULATIVE SUPPLEMENT

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ANNOTATED

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IN FIVE VOLUMES

**VOLUME 3**

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**Place in Pocket of Corresponding  
Volume of Main Set**

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THE MICHE COMPANY  
CHARLOTTESVILLE, VIRGINIA  
1957

|   |        |
|---|--------|
| To defendants who prevail:                          |        |
| Pleadings   | 2.00   |
| Witness fees, as allowed by the court               | ....   |
| Attendance, each term                               | 2.00   |
| Travel, each term                                   | .66    |
| To trustees who make disclosure at the return term: |        |
| Disclosure  | \$1.00 |
| Attendance, each term                               | 2.00   |
| Travel, each term                                   | .66    |
| Witness fees, as allowed by the court               | ....   |

If the prevailing party actually travels more than 10 miles for the special purpose of attending court in any such action, he may be allowed by the court for every 10 miles so traveled, but not exceeding 40 miles .33.

The allowance for travel and attendance to parties recovering costs shall be limited to 2 terms, except that the court for good and sufficient cause may order allowance for additional terms.

Copies of papers for removal or appeal to the superior court, to be paid by the appellant to the municipal court and taxed in his cost by the superior court if he finally prevails 2.00.

If any attorney at law or other person demands or takes for a writ of attachment with a summons or for an original summons with the declaration, returnable before a trial justice, judge or recorder of a municipal court, more than the costs and fees allowed in the preceding paragraphs of this section from the defendant; or, in the taxation of costs, such justice, judge or recorder taxes or allows more than that sum for the same, he forfeits to the defendant not less than \$5 nor more than \$10, to be recovered in an action of debt, but nothing herein contained shall be so construed as to reduce the fees of municipal courts otherwise established by law.

Every attorney shall pay the municipal court an entry fee of \$1 for each civil writ entered. There shall be no charge to any attorney by said court for blank writs, for issuing any execution, any execution renewal, any writ of possession or for taxing costs.

#### **Fees in criminal cases.**

Receiving a complaint and issuing a warrant \$5.00

The aforesaid fees when received shall be disposed of as provided by the public laws or by the acts establishing the respective courts. (R. S. c. 96, § 9. 1957, c. 334, § 9.)

**Cross reference.**—See now c. 146, § 2-A re costs and fees in municipal and trial justice courts.

**Effect of amendment.** — The 1957 amendment changed the fee for writs from \$3.54 to \$3.50 in subsection I, increased the fees for entries from 50¢ to \$1.00 and deleted the fees for taxing costs

in subsections I and II, inserted the last paragraph under the heading "Costs in civil actions", and deleted former enumerated fees in criminal cases and increased the fee for receiving complaint and issuing warrants from \$1.00 to \$5.00 under the heading "Fees in criminal cases".

## **Chapter 109.**

### **Small Claims.**

**Sec. 1. "Small claim" defined.**—A "small claim" is any right of action cognizable by a court of law not involving the title to real estate in which the debt or damage claimed does not exceed \$50. (1945, c. 307. 1957, c. 44.)

**Effect of amendment.** — The 1957 amendment increased the amount of the claim from \$35 to \$50.

**Sec. 3. Process.**—A plaintiff or his authorized attorney shall state the substance of his claim to the judge, recorder or clerk of the municipal court having jurisdiction thereof who shall briefly record the notice of the claim and set a date for a hearing. The plaintiff or his authorized attorney shall at the same time pay an entry fee of \$3. (1945, c. 307. 1947, c. 3, § 2; c. 278, § 1. 1949, c. 349, § 124. 1957, c. 198, § 1.)

**Effect of amendment.**—The 1957 amendment increased the fee in the second sentence from \$2 to \$3.

**Sec. 4. Fees.**—Of the amount of the entry fee, the judge shall receive \$1. Of the \$2.25 remaining a sufficient sum shall be applied directly on the registered or certified postage mentioned in section 6 and the balance shall be retained by the clerk or recorder, or in towns where there is no clerk or recorder, by the judge in addition to the \$1 fee mentioned above. (1945, c. 307. 1947, c. 3, § 3; c. 278, § 2. 1951, c. 266, § 113. 1957, c. 198, § 2; c. 281, § 1.)

**Effect of amendments.**—The first 1957 words “or certified” preceding the word amendment increased the amount of the “postage”. The second 1957 amendment, the fee received by the judge from 75¢ to \$1, which did not refer to or give effect to the increased the remaining amount of such other changes of the first amendment, fee from \$1.25 to \$2.25 and inserted the also inserted the words “or certified”.

**Sec. 5.** Repealed by Public Laws 1957, c. 198, § 3.

**Sec. 6. Notice to defendant.**—The judge shall cause notice of the claim and the substance thereof to be given to the defendant by sending a written statement to the defendant by postpaid registered or certified mail addressed to the defendant at his last known post-office address, delivery of said notice to be restricted to the defendant in person, and directing the defendant to appear at a time and place of hearing which shall be not less than 14 days from the date said notice is mailed to defendant. A return receipt showing that defendant has received the statement at least 7 days prior to the time set for the hearing shall constitute an essential part of the service. If service is not effected by registered or certified mail, then the court may direct that service on the defendant be completed as in other actions at law at the expense of the plaintiff. (1945, c. 307. 1947, c. 3, § 4; c. 278, § 1. 1949, c. 268; c. 349, § 125. 1957, c. 281, § 2.)

**Effect of amendment.**—The 1957 amendment inserted the words “or certified” following the word “registered” in both the first and last sentences.

## Chapter 112.

### Commencement of Civil Actions.

#### Days on Which No Arrest Made or Process Served.

**Sec. 87. Exemption from arrest on certain holidays.**—No person shall be arrested in a civil action, on mesne process, or execution or on a warrant for taxes on the day of annual Thanksgiving; the 19th day of April; the 30th day of May; the 4th of July; the first Monday of September; Veterans Day, November 11th; or Christmas. On the day of any military training, inspection, review or election, no officer or soldier required by law to attend the same shall be arrested on any such processes. (R. S. c. 99, § 87. 1957, c. 397, § 52.)

**Effect of amendment.**—The 1957 amendment made this section into two sentences and substituted “Veterans Day” for “Armistice Day”.