

MAINE STATE LEGISLATURE

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REVISED STATUTES

OF THE

STATE OF MAINE

1954

1955 SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 3

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

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1955

Sec. 146. Photostatic and microfilm reproductions admissible.—If any business, institution, bank, trust company, member of a profession or calling, or any department or agency of government, in the regular course of his or its business or activity has kept or recorded any memorandum, writing, entry, print, representation or combination thereof, of any act, transaction, occurrence or event, and in the regular course of his or its business or activity has caused any or all of the same to be recorded, copied or reproduced by any photographic, photostatic, microfilm, micro-card, miniature photographic or other process which accurately reproduces or forms a durable medium for so reproducing the original, such reproduction, or copy, when satisfactorily identified, is as admissible in evidence as the original itself in any judicial or administrative proceeding whether the original is in existence or not and an enlargement or facsimile of such reproduction or copy is likewise admissible in evidence if the original reproduction or copy is in existence and available for inspection under direction of court. The introduction of a reproduced record, enlargement or facsimile does not preclude admission of the original. This section shall not be construed to exclude from evidence any document or copy thereof which is otherwise admissible under the rules of evidence. (R. S. c. 100, § 146. 1955, c. 264.)

Effect of amendment.—The 1955 amendment rewrote this section.

Official Court Reporter.

Sec. 188. Official court reporters, their appointment, duties, salary and expenses.—The chief justice of the supreme judicial court may appoint not more than 11 official court reporters to serve for a term of 7 years, who shall report the proceedings in the supreme judicial court and in the superior court and who shall be officials of the court to which they may from time to time be assigned by the chief justice, and be sworn to the faithful discharge of their duties, and each of whom shall receive from the state a salary of \$5,750 per year. They shall take full notes of all oral testimony and other proceedings in the trial of causes, either at law or in equity, including the charge of the justice in all trials before a jury and all comments and rulings of said justice in the presence of the jury during the progress of the trial, as well as all statements and arguments of counsel addressed to the court, and during the trial furnish for the use of the court or either of the parties a transcript of so much of their notes as the presiding justice may direct. They shall also furnish a transcript of so much of the evidence and other proceedings taken by them as either party to the trial requires, on payment therefor by such party at the rate of 20¢ for every 100 words. One of said official court reporters designated for the purpose shall perform such clerical services as may be required of him by the chief justice who may allow him reasonable compensation for such clerical services for which he shall be reimbursed.

(1955, c. 480.)

Effect of amendment.—The 1955 amendment increased the yearly salary of official court reporters, provided for in the first sentence of the first paragraph, from

\$5,000 to \$5,750. As the second, third and fourth paragraphs were not changed by the amendment, they are not set out.

Chapter 113-A.

Interpleader Compact.

Sec. 1. Approval of compact.—The following interpleader compact is hereby approved, ratified, adopted and entered into by this state as a party state to take effect between this state and any other state or states as defined in said compact when entered into in accordance with the terms of said compact by said

other state or states and not disapproved by the governor of this state under subsection III of article 7 of such compact:

The contracting states solemnly agree:

Article 1.

Purpose. The aims of this compact are to promote comity and judicial cooperation among the states party thereto; and to relieve from undue risk and uncertainty, a person who may be subject to double or multiple liability because of the existence of adverse claimants, one or more of whom in the absence of this compact may not be subject to the jurisdiction of the adjudicating court, when such person makes all reasonable efforts to secure judicial determination and discharge of his liability.

Article 2.

Definitions. For the purpose of this compact the following definitions shall apply:

I. A state shall mean

A. A state of the United States or any territory or possession of the United States and the District of Columbia acting under article I, section 10, clause 3, of the constitution of the United States in entering this compact with an American or a foreign jurisdiction, or

B. A state of the community of nations and any component governmental unit of such a state which under the laws thereof may validly become party to this compact.

II. A person shall include any entity capable of suing or being sued in the state in which the interpleader is pending.

III. Interpleader shall mean a judicial procedure by which two or more persons who have adverse claims on account of the same debt or duty against a third person may be required to litigate these claims in one proceeding.

Article 3.

Service of process.

I. Service of process sufficient to acquire personal jurisdiction may be made within a state party to this compact, by a person who institutes an interpleader proceeding in another state, party to this compact, provided that such service shall fulfill the requirements for service of process of the state in which the service is made and provided further that such service shall meet the minimum standards for service of the jurisdiction where the proceeding is pending.

II. No such service of process shall be valid unless the person who institutes the interpleader proceeding is either a permanent resident or domiciliary of the state in which the proceeding is pending, or a corporation authorized to do business in that state, or unless the subject matter of the proceeding is specific real or personal property situated within that state.

Article 4.

Scope of interpleader unaffected. Nothing in this compact shall be construed to change any requirement or limitation on the scope of interpleader of the state in which the interpleader proceeding is pending except in relation to acquisition of personal jurisdiction.

Article 5.

Finality of judgment. No judgment obtained against any person in any proceeding to which he had become a party by reason of service of process effected pursuant to the provisions of this compact shall be subject to attack on the ground that the adjudicating court did not have personal jurisdiction over such person.

Article 6.**Enactment.**

I. This compact shall enter into force and effect as to a state one year from the date it has taken whatever action may be necessary pursuant to its required processes to make this compact part of the laws of such state and the appropriate authority of such state shall have deposited a duly authenticated copy of its statute, proclamation, order or similar official pronouncement having the force of law and embodying this compact as law with the appropriate officer or agency of each of the states party thereto. In the statute, proclamation, order or similar act by which a state adopts this compact, it shall specify the officer or agency with whom the documents referred to in this article shall be deposited.

II. Unless the statute, proclamation, order or similar act by which a state adopts this compact shall specify otherwise, and name the states with which the state intends to compact, such adoption shall apply to all other states then party to or who may subsequently become party to this compact. In the event that a state shall enter this compact with some states but not with others, the deposit of documents required by subsection I of this article shall be effected only with those states to which the adopting state specifies an intention to be bound.

Article 7.**Withdrawal.**

I. This compact shall continue in force and remain binding on a party state until such state shall withdraw therefrom. To be valid and effective, any withdrawal must be preceded by a formal notice in writing of one year from the appropriate authority of that state. Such notice shall be communicated to the same officer or agency in each party state with which the notice of adoption was deposited pursuant to article 6 of this compact. In the event that a state wishes to withdraw with respect to one or more states, but wishes to remain a party to this compact with other states party thereto, its notice of withdrawal shall be communicated only to those states with respect to which withdrawal is contemplated.

II. Withdrawal shall not be effective as to service of process accomplished pursuant to this compact prior to the actual date of withdrawal.

III. Any state receiving a notice of adoption from another state may by action of its executive head within a year from the receipt of such notice in the manner provided for withdrawal in subsection I of this article specify its intention not to be bound to the state depositing such notice and such adoption thereupon shall not be binding upon the state so acting.

Article 8.

Severability and construction. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state, or in the case of a component governmental unit, to the constitution of the state of which it is a part, or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby; provided that if this compact shall be held invalid or contrary to the constitution of any government participating therein the compact shall remain in full force and effect as to the remaining governments and in full force and effect as to the government affected as to all severable matters. It is the intent that the provisions of this compact shall be reasonably and liberally construed. (1955, c. 245.)

Sec. 2. Secretary of state as receiving officer.—The secretary of state

is hereby designated as the officer to receive all documents deposited pursuant to articles 6 and 7 of the interpleader compact. The secretary of state is also directed hereby to act as the repository for all such documents and to keep and make available upon request a complete list of the states with which this state is party to the interpleader compact, together with such other information as may be in his possession concerning the status of such compact in respect to enactment and withdrawals therefrom. (1955, c. 245.)

Sec. 3. Duties of governor.—As used in subsection III of article 7 of the interpleader compact, the phrase “executive head” shall mean the governor of this state. In the event that the governor shall take any action pursuant to subsection III of article 7 of such interpleader compact, he shall promptly notify the secretary of state and shall deposit with him copies of any and all official communications and documents relating to such action. The governor shall take appropriate action pursuant to subsection III of article 7 of the interpleader compact so as not to become party thereto with any state not recognized by the United States of America or with any state the features of whose legal system make the equitable operation of said compact impracticable. (1955, c. 245.)

Chapter 116.

Jury Commissioners. Jurors.

Sec. 5. Selection.—On receipt of written or verbal notice from the clerk or deputy clerk of courts of their respective counties designating the number of jurors required and date on which they are to report for duty, said commissioners shall forthwith select, by such method as will give a fair and just distribution according to population, a sufficient number of persons to perform jury service at the prospective term. Such selection shall be made with reasonable allowances for supernumeraries and for unforeseen causes of inability to attend. Summonses for those so elected shall be prepared by said commissioners and mailed by registered mail, postage prepaid, to each person selected at his regular place of abode. A returned registered receipt shall be sufficient evidence that the person or persons so selected have received the above-named summons. Additional jurors may in like manner be drawn and summoned at any time during a term of court by direction of the presiding justice, and they may be summoned to attend at such time as the court may direct. When, by reason of challenge or other cause, a sufficient number of jurors duly drawn and summoned cannot be obtained for the trial of a cause, the court shall cause jurors to be returned from the bystanders or from the county at large to complete the panel. Such jurors shall be returned by the sheriff or his deputy or such other disinterested person as the court appoints. Grand jurors shall be selected in like manner prior to the first term of the superior court to be held for the transaction of criminal business on or after the 1st day of September annually, and grand jurors shall serve at each criminal term during the year. When the number of grand jurors is reduced by death or otherwise, additional grand jurors may be selected and summoned under direction of the court at any time. (R. S. c. 103, § 3. 1955, c. 405, § 51.)

Effect of amendment.—The 1955 amendment repealed and replaced the third, fourth and fifth sentences of this section, so as to correct a typographical error in the original.

Sec. 8. Fees.—Grand and traverse jurors attending the superior court and jurors attending on any other occasion prescribed by law shall be allowed \$10 for each day's actual attendance, and 10¢ a mile for their travel out and home once