

# MAINE STATE LEGISLATURE

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REVISED STATUTES  
OF THE  
STATE OF MAINE  
1954

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1963 CUMULATIVE SUPPLEMENT

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ANNOTATED

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IN FIVE VOLUMES

VOLUME 3

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**Discard Previous Supplement**

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THE MICHIE COMPANY  
CHARLOTTESVILLE, VIRGINIA  
1963

manner and 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. 1961, c. 16.)

**Effect of amendments.**—The 1955 amendment repealed and replaced the third, fourth and fifth sentences of this section, so as to correct a typographical error in the original.

The 1961 amendment eliminated “in like manner” following “may” near the beginning of the fifth sentence and added “in a manner and” near the end of that sentence.

**Sec. 8. Fees.**—Grand and traverse jurors attending the superior court and jurors attending on any other occasion prescribed by law shall be allowed \$12 for each day’s actual attendance and 10¢ a mile for their travel out and home for the first day of attendance and 5¢ a mile for their travel out and home for each day’s attendance thereafter, to be paid out of the county treasury. (R. S. c. 103, § 6. 1945, c. 193. 1953, c. 148. 1955, c. 412, § 1. 1961, c. 232. 1963, c. 312.)

**Effect of amendments.**—The 1955 amendment, which was made effective June 1, 1956, increased the fees from \$8 to \$10 a day and from 8¢ to 10¢ a mile and inserted the words “once each week” near the end of the section.

from \$10 to \$12 a day.

The 1963 amendment substituted “for the first day of attendance and 5¢ a mile for their travel out and home for each day’s attendance thereafter” for the words “once each week” which had been added by the 1955 amendment.

The 1961 amendment increased the fees

## Chapter 117.

### Depositions.

#### Depositions in General.

**Sec. 1. When depositions used.**—In trials before probate courts, arbitrators, referees under chapter 121, and county commissioners, depositions may, upon order of the tribunal before which the matter is pending and on good cause shown, be taken and used in the manner provided by rule for depositions in the superior court. Depositions or affidavits may also be taken in applications for pensions, bounties or arrears of pay under any law of the United States. (R. S. c. 104, § 1. 1959, c. 317, § 251.)

**Effect of amendment.**—The 1959 amendment rewrote this section.

**Effective date and applicability of Public Laws 1959, c. 317.**—Section 420, chapter 317, Public Laws 1959, provides as follows: “This act shall become effective December 1, 1959. It shall apply to all actions brought after December 1, 1959 and also to all fur-

ther proceedings in actions at law or suits in equity then pending, except to the extent that in the opinion of the court the application of this act in a particular action pending on December 1, 1959 would not be feasible or would work injustice, in which event the laws in effect prior to December 1, 1959 would prevail.”

**Secs. 2-21.** Repealed by Public Laws 1959, c. 317, § 252.

**Effective date and applicability of Public Laws 1959, c. 317.**—See note to § 1.

### Depositions in Perpetuam.

**Secs. 22, 23.** Repealed by Public Laws 1959, c. 317, § 252.

Effective date of Public Laws 1959, c. 317.—See note to § 1.

**Sec. 24. Record in registry of deeds.**—Any deposition to perpetuate testimony taken before action or pending appeal together with the verified petition therefor and certificate of the officer before whom it was taken shall, within 90 days after the taking, be recorded in the registry of deeds in the county where the land or any part of it lies, if the deposition relates to real estate; if not, in the county where the parties or any of them reside. (R. S. c. 104, § 24. 1959, c. 317, § 253.)

Effect of amendment.—The 1959 amendment rewrote this section.

Effective date and applicability of Public Laws 1959, c. 317.—See note to § 1.

**Secs. 25-28.** Repealed by Public Laws 1959, c. 317, § 254.

Effective date and applicability of Public Laws 1959, c. 317.—See note to § 1.

### Commissioners to Take Depositions.

**Sec. 31. Depositions and disclosures taken.**—Depositions and disclosures of trustees may be taken by such commissioners stenographically by the consent of the parties to the action or proceeding, and their notes shall be transcribed in full by questions and answers and read to the deponent or trustee and signed by him. If the deponent or trustee in writing waives such reading, the transcript shall be admissible as his deposition or disclosure without his signature. No change of or addition to the transcript shall be made by the deponent or trustee except in the presence of the counsel who attested the taking of the deposition. The commissioner shall state the facts in his certificate as to reading, signature or waiver and what, if any, changes or additions were made. (R. S. c. 104, § 31. 1961, c. 317, § 409.)

Effect of amendment.—The 1961 amendment substituted "action" for "suit" in the first sentence of this section.

## Chapter 118.

### Levy of Executions on Personal Property.

**Sec. 9. Return of sale; fraud, in sale or in return.**—The officer shall, in his return on the execution, particularly describe each article or lot of goods sold and the price at which it was sold. If he commits any fraud in the sale or return, the forfeits to the debtor 5 times the sum of which he defrauds him, to be recovered in a civil action. (R. S. c. 105, § 9. 1961, c. 317, § 410.)

Effect of amendment.—The 1961 amendment divided this section into two sentences and substituted "a civil action" for "an ac-

tion on the case" at the end of the present second sentence.

**Sec. 13. Notice of seizure.**—If the property was not attached on mesne process in the same action, the officer shall leave a copy of the execution with the treasurer, cashier, clerk or other recording officer of the company and the property shall be considered as seized on execution when the copy is so left. If it was so attached and remains attached, the officer shall proceed in seizing and selling it on execution as provided in section 16. (R. S. c. 105, § 13. 1961, c. 317, § 411.)

Effect of amendment.—The 1961 amendment substituted "action" for "suit" in this section.