

MAINE STATE LEGISLATURE

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ONE - HUNDRETH LEGISLATURE

Legislative Document

No. 429

S. P. 183

In Senate, January 18, 1961.

Referred to Committee on State Government. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Marden of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT Increasing Compensation of and Revising Fee Schedules of Court Reporters.

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

Sec. 1. R. S., c. 113, § 188, amended. The first paragraph of section 188 of chapter 113 of the Revised Statutes, as last amended by chapter 368 of the public laws of 1959, is further amended to read as follows:

'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 ~~\$7,500~~ \$8,500 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~~ **civil actions** 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 ~~20c~~ 26c 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.'

Sec. 2. R. S., c. 148, § 31, amended. Section 31 of chapter 148 of the Revised Statutes is amended to read as follows:

'Sec. 31. Copy of proceedings in murder cases filed with clerk of court and in office of Secretary of State; expenses. Whenever any person is convicted of murder, a copy of the indictment, plea, evidence and charge of the presiding justice, certified by the Official Court Reporter, shall be filed with the clerk of the court where such trial is held, and the expense thereof shall be paid by the county. ~~If such Court Reporter is paid an annual salary, the making and filing of said copy shall be without extra compensation, otherwise the expense thereof shall be paid by the county; but this section shall not apply to cases where a motion for a new trial is filed and granted, as to the evidence and charge in any trial but the last.~~ A copy of the indictment, plea, evidence and charge of the presiding justice, certified by the Official Court Reporter, shall also be filed in the office of the Secretary of State, so that it may be used in any pardon hearing before the Governor and Council, and the expense thereof shall be paid by the State. The State shall pay the expense of having the evidence and charge transcribed by the Official Court Reporter in any murder cases heretofore tried, where a pardon is sought by one serving a life sentence in the State Prison who is unable to pay therefor, if he or she claims to be innocent of the crime, the transcript to be filed in the office of the Secretary of State for use as ~~above~~ provided.'

Sec. 3. R. S., c. 153, § 10, amended. Section 10 of chapter 153 of the Revised Statutes is amended to read as follows:

'Sec. 10. Reporter; duties. The judge of any court of probate or court of insolvency may appoint a ~~stenographer~~ reporter to report the proceedings at any hearing or examination in his court, whenever such judge deems it necessary or advisable. Such ~~stenographer~~ reporter shall be sworn to a faithful discharge of his duty and, under the direction of the judge, shall take full notes of all oral testimony at such hearing or examination and ~~also~~ such other proceedings at such hearing or examination as the judge directs; and when required by the judge shall furnish for the files of the court a correct and legible ~~longhand~~ ~~or~~ typewritten transcript of his notes of the oral testimony of any person testifying at such hearing or submitting to such examination, and in making said transcript the ~~stenographer~~ reporter shall transcribe his said notes in full by questions and answers.'

Sec. 4. R. S., c. 153, § 48, repealed and replaced. Section 48 of chapter 153 of the Revised Statutes is repealed and the following enacted in place thereof:

'Sec. 48. Compensation of reporters. Reporters appointed under this chapter shall be allowed \$20 a day for their services in court or at an examination, and travel at the rate of 10c a mile.

Transcript rates shall be in accordance with chapter 113, section 188, for transcript furnished for the files of the court and shall be paid by the county in which the court or examination is held, after the reporter's bill has been allowed by the judge of the court in which the services were rendered. In probate matters, the executor, administrator or guardian shall, in each case out of the

estate in his hands, pay to the register for the county the amount of said reporter's fees, and in insolvent matters the assignee shall pay the same to the register for the county before any claims are paid, other than those named in chapter 162, section 42, subsection I.'

Sec. 5. R. S., c. 153, § 49, amended. Section 49 of chapter 153 of the Revised Statutes is amended to read as follows:

'Sec. 49. Reporters to furnish copies. Such ~~stenographers~~ **reporters** shall also furnish correct and legible longhand or typewritten copies of their notes of the oral testimony taken at any hearing or examination, to any person calling for the same, upon payment of ~~15c for every 100 words of the copy furnished~~ **transcript rates prescribed in chapter 113, section 188.'**

Sec. 6. Appropriation. There is appropriated to the Supreme Judicial and Superior Courts from the General Fund of the State the sum of \$8,250 for the fiscal year ending June 30, 1962 and the sum of \$11,000 for the fiscal year ending June 30, 1963 to carry out the purposes of section 1 of this act, the breakdown of which shall be as follows:

Department	1961-62	1962-63
SUPREME JUDICIAL AND SUPERIOR COURTS		
Administration		
Personal Services	\$8,250	\$11,000