

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND FIFTH LEGISLATURE

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## Legislative Document

No. 674

S. P. 228

In Senate, February 10, 1971

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

HARRY N. STARBRANCH, Secretary  
Presented by Senator Clifford of Androscoggin.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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### AN ACT Increasing Fees of Witnesses in the Courts.

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

**R. S., T. 16, § 251, amended.** Section 251 of Title 16 of the Revised Statutes, as amended by chapter 286 of the public laws of 1967, is further amended to read as follows:

#### § 251. Fees of witnesses

Witnesses in the Supreme Judicial Court, the Superior Court, the District Court or in the probate court, unless the court shall otherwise order, shall receive ~~§5~~ \$10, and before referees, auditors or commissioners specially appointed to take testimony or special commissioners on disputed claims appointed by probate courts, ~~§5~~ \$10, or before the county commissioners, ~~§5~~ \$10 for each day's attendance and ~~8c~~ 10¢ a mile for each mile's travel going and returning home. The court in its discretion may allow at the trial of any cause, civil or criminal, in said Supreme Judicial Court or the Superior Court, a sum not exceeding ~~§50~~ \$100 per day for the attendance of any expert witness or witnesses at said trial, in taxing the costs of the prevailing party, except that the expense of all expert witnesses for the State in murder cases shall be in such amounts as the presiding justice shall allow and shall be paid by the State and charged against the appropriation for the Department of the Attorney General. Such party or his attorney of record shall first file an affidavit within 30 days after entry of judgment and before the cause is settled, stating the name, residence, number of days in attendance and the actual amount paid or to be paid each expert witness in attendance at such trial. No more than ~~§5~~ \$10 per day shall be allowed or taxed by the clerk of courts in the costs of any civil action for the per diem attendance of a witness, unless

the affidavit is filed, and the per diem is determined and allowed by the presiding justice.

#### STATEMENT OF FACT

The purpose of this bill is to increase witness fees from \$5 to \$10 per day, from 8¢ a mile to 10¢ a mile for each mile's travel going and returning home, and to raise the maximum pay of an expert witness from \$50 to \$100 per day.