

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 889

7 H.P. 700

House of Representatives, February 25, 1983

8 Referred to the Committee on Judiciary. Sent up for concurrence and
9 ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Soule of Westport.
11

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Amend the Procedure for
18 Assessing Surveying Costs in Court Cases.
19

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

22 14 MRSA §6852, as amended by PL 1977, c. 72, is
23 further amended to read:

24 §6852. Fees of surveyor; determination of amount
25 paid by parties

26 The amount of the fees and necessary expenses of
27 such the surveyor shall be fixed and determined by
28 the court upon the acceptance of the report, and
29 shall be paid as follows: if the court is of the
30 opinion that such fees and expenses, or some portion
31 of the same, ought to be paid by the county, then the
32 amount thereof to be paid by the county, whether the
33 whole or a part, shall, after notice and hearing to

1 the county, be fixed and determined by the court and
2 the amount so fixed and determined shall be paid by
3 the county on presentation of the proper certificate
4 of the clerk of courts for that county. After notice
5 to all parties and a hearing held thereon, if the
6 court is of the opinion that the whole or any part or
7 portion of such fees and expenses should be paid by
8 the parties to the action, or by either of such par-
9 ties, then the court may fix and determine the amount
10 to be paid by such the parties to the action, or by
11 either of such the parties, and the amount determined
12 to be due from such the parties, or by either of such
13 the parties, shall have the force and effect of a
14 judgment in favor of the surveyor against such the
15 parties or either of such the parties and any execu-
16 tion upon such the judgment may run against the body
17 of such the party or of either of such the parties.

18

STATEMENT OF FACT

19 This bill relieves the counties of liability for
20 the cost of a court-appointed surveyor in court ac-
21 tions involving real estate. The parties to the ac-
22 tion, as the court determines, will be responsible
23 for payment of the surveying costs.

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