

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1344

7 H.P. 1021 House of Representatives, March 28, 1983

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

10 EDWIN H. PERT, Clerk

11 Presented by Representative Swazey of Bucksport.

12 STATE OF MAINE
13

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

17 AN ACT Concerning Compensation for
18 Witnesses.
19

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

22 16 MRSA §251, as amended by PL 1975, c. 731, §16,
23 is further amended to read:

24 §251. Fees of witnesses

25 Witnesses, other than members of the State Police
26 or municipal police officers, in the Supreme Judicial
27 Court, the Superior Court, the District Court or in
28 the Probate Court, unless the court shall otherwise
29 order, shall receive ~~10~~ \$30, and before referees,
30 auditors or commissioners specially appointed to take
31 testimony or special commissioners on disputed claims
32 appointed by Probate Courts, ~~10~~ \$30, or before the
33 county commissioners, ~~10~~ \$30 for each day's attend-
34 ance and ~~10¢~~ 22¢ a mile for each mile's travel going

1 and returning home. The court in its discretion may
2 allow at the trial of any cause, civil or criminal,
3 in said Supreme Judicial Court or the Superior Court,
4 a reasonable sum for each day's attendance of any
5 expert witness or witnesses at said trial, in taxing
6 the costs of the prevailing party, and the expense of
7 all expert witnesses for the State in murder cases
8 shall be paid by the State and charged against the
9 appropriation for the Department of the Attorney Gen-
10 eral. Such party or his attorney of record shall
11 first file an affidavit within 30 days after entry of
12 judgment and before the cause is settled, stating the
13 name, residence, number of days in attendance and the
14 actual amount paid or to be paid each expert witness
15 in attendance at such trial. No more than ~~\$10~~ \$30 per
16 day shall be allowed or taxed by the clerk of courts
17 in the costs of any civil action for the per diem
18 attendance of a witness, unless the affidavit is
19 filed, and the per diem is determined and allowed by
20 the presiding justice.

21

STATEMENT OF FACT

22 Currently, witnesses are paid \$10 per day for
23 testifying in court. Many witnesses lose a full day's
24 work and a full day's pay for testifying. This bill
25 raises the minimum fee paid to a witness to partially
26 compensate for this loss of pay. The mileage allow-
27 ance is also raised to be consistent with that
28 allowed state employees and to more adequately
29 reflect the real travel expense to the witness.

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