

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1305

H.P. 937

House of Representatives, April 24, 1989

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative CONLEY of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Clarify the Method of Taxing Costs in Civil Actions.



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

3 14 MRSA §1502-D, as reallocated by PL 1985, c. 737, Pt. A,
5 §36, is amended to read:

7 **§1502-D. Taxing of costs and interests; hearing**

9 The clerk shall set costs under section 1502-B and interest
11 under section 1602 to the extent they appear from the record.
13 The prevailing party or his the party's attorney shall may submit
15 a bill of costs for all other costs or interest to the court not
17 later than 10 days after entry of judgment and serve copies on
19 all parties who have appeared and may be required to pay these
21 costs. Any party required to pay all or any part of these costs
23 may, within 10 days after the date of service, challenge any
25 items of cost or interest and request review by the court. The
27 prevailing party shall, within 10 days after such a challenge,
submit to the court any vouchers or other records verifying any
challenged items of cost or interest. Either side may request
oral argument and submit affidavits and briefs. Any evidentiary
hearing on the reasonableness of costs or interest will be held
only when the judge determines that there exists a substantial
need for the hearing and the amount of challenged costs or
interest are substantial. If the presiding judge determines that
the imposition of costs will cause a significant financial
hardship to any party, he the judge may waive all or part of the
costs with respect to that part.

29 **STATEMENT OF FACT**

31
33 This bill amends the method by which courts set certain
35 costs in civil actions. Presently, there is confusion as to the
37 exact method of setting the costs. This bill clarifies that
39 costs that can be determined from the record, such as filing fees
41 or service fees, may be assessed by the Clerk of Court without
43 further action by any party. In addition, the prevailing party
45 may also submit a bill of costs for other costs, both the
47 recoverable costs that are not clear from the record and the
49 discretionary costs which a court may allow. The party against
whom costs will be assessed would have an opportunity to
challenge the amounts.

In addition, this bill also removes the obligation to serve
a notice of costs on a defaulting party. Under present law, a
defaulted party would be required to be served in hand a 2nd time
with a bill of costs. This is unnecessary and burdensome, when
there is a default, as well as expensive. However, any party
having appeared will be given notice of the bill of costs.

51 Finally, the bill clarifies that the same method of taxing
costs will be used in setting prejudgment interest.