

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 980, L.D. 1358, Bill, "An Act to Amend the Law Concerning Taxing of Costs in Civil Actions"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

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

§1502-D. Taxing of costs; hearing

The clerk shall set costs under section 1502-B and interest under section 1602 to the extent they appear from the record. The prevailing party or his the prevailing party's attorney shall may submit a bill of costs for all other costs or interest to the court not later than 10 days after entry of judgment and serve copies on all parties who have appeared and may be required to pay these costs. Any party required to pay all or any part of these costs, except a party who is defaulted and has not appeared, may, within 10 days after the date of service, challenge any items of cost or interest and request review by the court. The 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 An 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 party.'

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STATEMENT OF FACT

5 This amendment combines the concepts contained in 2 bills.
7 The original bill provided that no notice of a bill of costs must
9 be served on a defendant in a default judgment. This amendment
11 provides that notice must be sent to all parties who have
13 appeared and may be required to pay costs. The other bill,
15 Legislative Document 1305, provided that the Clerk of Court would
 determine the interest due in accordance with law, but the
 prevailing party could also submit a bill of additional costs.
 If the other party does not object, the court may accept the
 prevailing party's bill of additional costs as proper.

Reported by the Committee on Judiciary
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