

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 527

H.P. 372

House of Representatives, February 12, 2009

**An Act To Require a Referee of a Land Dispute To Render a  
Decision within One Year**

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Reference to the Committee on Judiciary suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative SAVIELLO of Wilton.  
Cosponsored by Senator GOOLEY of Franklin and  
Representatives: AYOTTE of Caswell, CRAY of Palmyra, GIFFORD of Lincoln, HANLEY of  
Gardiner, JOY of Crystal, McFADDEN of Dennysville, THIBODEAU of Winterport, Senator:  
JACKSON of Aroostook.

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

2 **Sec. 1. 4 MRSA §501**, as amended by PL 1977, c. 114, §§10 to 12, is further  
3 amended to read:

4 **§501. Appointment; fees**

5 In all cases in the Supreme Judicial or in the Superior Court in which the court  
6 appoints one or more persons, not exceeding 3, as referees, masters or auditors, to hear  
7 the same, their fees and necessary expenses, including stenographic services as  
8 determined by the Chief Justice or ~~his~~ the Chief Justice's designee, ~~shall~~ must be paid by  
9 the State on presentation of the proper certificate of the clerk of courts for the county in  
10 which such case is pending, or by such of the parties, or out of any fund or subject matter  
11 of the action, which is in the custody and control of the court, or by apportionment among  
12 such sources of payment, as the court ~~shall~~ may direct. The amount thereof ~~shall~~ must be  
13 fixed by the court upon the coming in of the report. These referees, masters and auditors  
14 shall notify the parties of the time and place of hearing and ~~shall~~ have power to adjourn.  
15 Witnesses may be summoned and compelled to attend and may be sworn by the referees,  
16 masters or auditors. When there is more than one referee, master or auditor, all must hear,  
17 but a majority may report, stating whether all did hear. Their report may be recommitted.  
18 They may be discharged and others appointed.

19 No fee or compensation other than ~~his~~ necessary expenses ~~shall~~ may be paid any  
20 Justice of the Supreme Judicial or of the Superior Court for ~~his~~ services as referee, master  
21 or auditor, but this provision ~~shall~~ does not apply to an Active Retired Justice.

22 No per diem fee, other than necessary expenses, ~~shall~~ may be paid any Official Court  
23 Reporter for ~~his~~ services in these cases.

24 A referee appointed to hear a dispute concerning real property must report the  
25 referee's decision within one year of appointment by the court.

26 **Sec. 2. 14 MRSA §1153** is amended to read:

27 **§1153. Authority of referees**

28 All the referees must meet and hear the parties; but a majority may make the report,  
29 which ~~shall be~~ is as valid as if signed by all, if it appears by the report or certificate of the  
30 dissenting referee that all attended and heard the parties. They may allow costs or not to  
31 either party, unless special provision is made therefor in the submission, but the court  
32 may reduce their compensation. Any referee may swear witnesses.

33 A referee appointed to hear a dispute concerning real property must report the  
34 referee's decision within one year of appointment by the court.

35 **SUMMARY**

36 This bill requires that a referee appointed by the court to hear a dispute involving real  
37 property must report the referee's decision within one year of appointment.