

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1424

H.P. 1012

House of Representatives, April 17, 2013

An Act To Increase Mileage Reimbursement and Compensation for Jurors

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND

Clerk

Presented by Representative BROOKS of Winterport.
Cosponsored by President ALFOND of Cumberland and
Representatives: BERRY of Bowdoinham, EVANGELOS of Friendship, Speaker EVES of
North Berwick, FREDETTE of Newport, McCABE of Skowhegan, Senators: GOODALL of
Sagadahoc, JACKSON of Aroostook, THIBODEAU of Waldo.

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

2 **Sec. 1. 14 MRSA §1215**, as amended by PL 1991, c. 528, Pt. E, §13 and affected
3 by Pt. RRR and amended by c. 591, Pt. E, §13, is further amended to read:

4 **§1215. Mileage and compensation of jurors**

5 A juror is entitled to paid mileage at the rate of ~~15¢~~ per mile specified in Title 5,
6 section 8 for travel expenses from the juror's residence to the place of holding court and
7 return and to compensation at the rate of ~~\$10~~ \$20 for each day of required attendance at
8 sessions of the court.

9 **Sec. 2. 16 MRSA §251**, as amended by PL 2007, c. 539, Pt. JJ, §7 and affected by
10 §10, is further amended to read:

11 **§251. Fees of witnesses**

12 Witnesses, other than law enforcement officers testifying in their official capacity, in
13 the Supreme Judicial Court, the Superior Court, the District Court or in the Probate Court,
14 unless the court otherwise orders, must receive ~~\$10~~ \$20, and before referees, auditors or
15 commissioners specially appointed to take testimony or special commissioners on
16 disputed claims appointed by Probate Courts, ~~\$10~~ \$20, or before the county
17 commissioners, ~~\$10~~ \$20 for each day's attendance and ~~22¢ a mile~~ the rate specified in
18 Title 5, section 8 for each mile's travel going and returning home. The party calling the
19 witness shall pay the witness. Payments made under this section to witnesses called on
20 behalf of the State must be made from the county treasury upon authorization of the
21 prosecuting attorney, unless otherwise directed by law. The court in its discretion may
22 allow at the trial of any cause, civil or criminal, in the Supreme Judicial Court, the
23 Superior Court or the District Court, a reasonable sum for each day's attendance of any
24 expert witness or witnesses at the trial, in taxing the costs of the prevailing party, and the
25 expense of all expert witnesses for the State in murder cases must be paid by the State
26 and charged against the appropriation for the Department of the Attorney General. Such
27 party or the attorney of record shall first file an affidavit within 30 days after entry of
28 judgment and before the cause is settled, stating the name, residence, number of days in
29 attendance and the actual amount paid or to be paid each expert witness in attendance at
30 such trial. No more than ~~\$10~~ \$20 per day may be allowed or taxed by the clerk of courts
31 in the costs of any civil action for the per diem attendance of a witness, unless the
32 affidavit is filed, and the per diem is determined and allowed by the presiding justice.

33 **SUMMARY**

34 This bill changes the mileage rate paid to jurors and witnesses from 15¢ per mile and
35 22¢ per mile, respectively, to the rate paid by the State for travel by employees of the
36 State for the business of the State, which is currently 44¢ per mile. This bill also
37 increases the daily rate paid to jurors and witnesses from \$10 to \$20.