

# MAINE STATE LEGISLATURE

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# SEVENTY-FOURTH LEGISLATURE

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HOUSE.

No. 623

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND NINE.

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AN ACT to amend Section thirteen of Chapter one hundred and  
seventeen of the Revised Statutes as amended by Chapter  
sixty-six of the Public Laws of 1907, relating to the per diem  
attendance of expert witnesses.

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

Section 1. Section thirteen of chapter one hundred and  
2 seventeen of the Revised Statutes as amended by chapter  
3 sixty-six of the Public Laws of 1907, is hereby amended by  
4 inserting after the word "home," in the sixth line of said  
5 section, the words:

'But the court in its discretion may allow at the trial of

7 any cause, civil or criminal, in said supreme judicial or su-  
8 perior courts, a sum not exceeding twenty-five dollars per  
9 day for the attendance of any expert witness or witnesses  
10 at said trial, in taxing the costs for the prevailing party; but  
11 such party or his attorney of record, shall first file an affida-  
12 vit, during the term at which such trial is held, and before  
13 the cause is settled stating the name, residence, number of  
14 days attendance and the actual amount paid or to be paid  
15 each expert witness, in attendance at such trial. And no  
16 more than one dollar and fifty cents per day shall be allowed  
17 or taxed by the clerk of courts, in the costs of any suit, for  
18 the per diem attendance of a witness, unless the affidavit  
19 herein provided is filed, and the per diem is determined and  
20 allowed by the presiding justice.' So that said section as  
21 amended shall read as follows:

'Section 13. Witnesses in the supreme judicial or superior  
23 courts or in the probate court, shall receive one dollar and  
24 fifty cents, or before the county commissioners one dollar,  
25 for each day's attendance and six cents a mile for each mile's  
26 travel going and returning home; but the court in its dis-  
27 cretion, may allow at the trial of any cause, civil or crim-  
28 inal, in said supreme judicial or superior courts, a sum not  
29 exceeding twenty-five dollars per day for the attendance of  
30 any expert witness or witnesses at said trial, in taxing the  
31 costs of the prevailing party; but such party or his attorney  
32 of record, shall first file an affidavit, during the term at which

33 such trial is held, and before the cause is settled, stating the  
34 name, residence, number of days in attendance and the ac-  
35 tual amount paid or to be paid each expert witness, in at-  
36 tendance at such trial. And no more than one dollar and  
37 fifty cents per day shall be allowed or taxed by the clerk of  
38 courts, in the costs of any suit, for the per diem attendance  
39 of a witness, unless the affidavit herein provided, is filed.  
40 and the per diem is determined and allowed by the presiding  
41 justice; and before a justice of the peace, a trial justice, a  
42 judge of the municipal court, referees, auditors or commis-  
43 sioners specially appointed to take testimony, fifty cents a  
44 day attendance, and for travel, the same as the courts afore-  
45 said.

Sect. 2. This act shall take effect when approved.

STATE OF MAINE.

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HOUSE OF REPRESENTATIVES,

Augusta, March 13, 1909.

Reported by Mr. ANDREWS from Committee on Judiciary  
and ordered printed under joint rules.

E. M. THOMPSON, *Clerk.*