

# MAINE STATE LEGISLATURE

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SEVENTY-SEVENTH LEGISLATURE

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HOUSE

NO. 50

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*House of Representatives, Feb. 2, 1915.*

*Ordered, That five hundred copies be printed and that the same be referred to the Committee on Legal Affairs.*

*Committee on Reference.*

*Presented by Mr. Greenleaf of Portland.*

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STATE OF MAINE

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AN ACT to amend section 55 of chapter 79 of the Revised Statutes, relating to fixing the time within which exceptions and motions for new trials, may be filed in civil and criminal cases.

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

Section 1. Section 55 of Chapter 79 is hereby amended  
2 by inserting after the word "justice" in the fifth line of said  
3 section, the following words:

'Provided, however, that in all cases such exceptions shall  
5 be presented within thirty days after the verdict is rendered  
6 or the opinion, direction or judgment is announced, in the  
7 case in which such verdict, opinion, direction or judgment  
8 is made.'

Sect. 2. Said section is further amended by inserting after  
2 the words "superior courts" in the thirteenth line the fol-  
3 lowing words 'unless said superior courts shall otherwise  
4 provide by rule.'

Sect. 3. And by adding to said section 55 the following  
2 paragraph:

'And all motions for new trials as against law or the evi-  
4 dence shall be filed during the term at which verdict is ren-  
5 dered, but in no case later than thirty days after verdict ren-  
6 dered;' so that said section 55 as amended shall read as  
7 follows:

'Sect. 55. When the court is held by one justice, a party  
9 aggrieved by any of his opinions, directions or judgments,  
10 in any civil or criminal proceeding may, during the term,  
11 present written exceptions in a summary manner, signed by  
12 himself or counsel, and when found true they shall be al-  
13 lowed and signed by such justice: *provided*, however that  
14 in all cases such exceptions shall be presented within thirty  
15 days after the verdict is rendered or the opinion, direction  
16 or judgment is announced, in the case in which such verdict,  
17 opinion, direction or judgment is made; but if he deems  
18 them frivolous and intended for delay, he may so certify  
19 on motion of the party not excepting; and such exceptions  
20 may then be transmitted at once by such justice to the chief  
21 justice, and shall be argued in writing on both sides within  
22 thirty days thereafter, unless the presiding justice for good

23 cause, enlarges the time, and they shall be considered and  
24 decided by the justices of said court as soon as may be, and  
25 the decision certified to the clerk of the county where the  
26 case is pending. This section applies to exceptions filed in  
27 any criminal proceedings in either of the superior courts,  
28 unless said superior courts shall otherwise provide by rule.  
29 If the justice disallows or fails to sign and return the ex-  
30 ceptions, or alters any statement therein, and either party  
31 is aggrieved, the truth of the exceptions presented may be  
32 established before the supreme judicial court sitting as a  
33 court of law upon petition setting forth the grievance, and  
34 thereupon, the truth thereof being established, the excep-  
35 tions shall be heard and the same proceedings had as if they  
36 had been duly signed and brought up to said court with the  
37 petition. The supreme judicial court shall make and pro-  
38 mulgate rules for settling the truth of exceptions alleged and  
39 not allowed.

And all motions for new trials as against law or the evi-  
41 dence shall be filed during the term, at which verdict is ren-  
42 dered, but in no case later than thirty days after verdict  
43 rendered.'