

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

SEVENTY-SEVENTH LEGISLATURE

HOUSE

NO. 281

House of Representatives, Feb. 19, 1915.

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

Committee on Reference.

Presented by Mr. Dilling of Easton.

STATE OF MAINE

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

AN ACT to regulate fees of Sheriffs and their Deputies.

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

Section five of chapter 117 of the revised statutes of 1903
2 is hereby amended so as to read as follows:

‘For the service of an original summons or scire facias,
4 either by reading or copy, or for the service of a capias or
5 attachment with summons on one defendant, one dollar;
6 if served on more than one defendant, one dollar more for
7 each.

If the sheriff, or his deputy, by written direction of the
9 plaintiff, his agent or attorney, makes special service of any
10 writ of attachment by attaching property, he shall receive

11 therefor one dollar and twenty-five cents, including the sum-
12 mons thereon; and for taking the body on a capias, one dol-
13 lar for each defendant on whom such writ is so served.

Where the officer is by law directed to leave a copy, or
15 gives a copy of any precept upon demand, he may charge
16 at the rate of twelve cents a page, which, in the latter case,
17 shall be paid by the party demanding it.

If real estate is attached, the officer may charge twenty-
19 five cents for leaving with the register of deeds an attested
20 copy of his return and other particulars, as required by law,
21 and instead of travel, legal postage; and the usual rate of
22 travel from the residence of such officer to the nearest post
23 office; and he shall pay the register ten cents, and tax the
24 same with his own fees.

For a bail bond and writing the same, including principal
26 and sureties, to be paid by the person admitted to bail, and
27 taxed for him, if he prevails, twenty cents.

For the service of a subpoena, notice to an adverse party,
29 or other process in which there is no command to make re-
30 turn, fifty cents; if by copy, at the rate of twelve cents a
31 page for the copy; and travel as in other cases; and service
32 on an adverse party, by giving him an attested copy of the
33 notice in hand, is valid.

For levying and collecting executions in personal actions,
35 for every dollar of the first hundred dollars, three cents;
36 for every dollar above one hundred, and not exceeding two
37 hundred dollars, two cents; and for every dollar above two
38 hundred dollars, one cent.

For serving a writ of possession, one dollar and ten cents;
40 and if on more than one piece of land, seventy-five cents
41 for each piece of land after the first; and the fees for levy-
42 ing and collecting the costs shall be the same as above pro-
43 vided for executions in personal actions.

For serving an execution upon a judgment of court for
45 partition of real estate, or assignment of dower, two dollars
46 a day and travel as in other cases from the officer's place
47 of abode to the place of service. For service of a petition
48 to the legislature, thirty cents, and twelve cents for each
49 page of copy, with usual travel.

For causing appraisers to be sworn, and making return of
51 levy on real estate, fifty cents.

For each appraiser of real estate, for extending execution,
53 or assigning dower, two dollars a day, and travel at the rate
54 of four cents a mile going out and returning home, to be
55 paid by the officer and charged in his return.

For advertising, in a newspaper, a right in equity of re-
57 deeming mortgaged real estate, to be sold on execution,
58 such sum as he pays the printer therefor; for writing and
59 posting notices of the sale of such equity in the town where
60 the land lies, and in two adjoining towns, three dollars, and
61 for making out a deed and return of the sale of such equity,
62 one dollar.

When the estate or interest of any person, held by a pos-
64 session or improvement, is seized and sold on execution, or
65 the franchise or other property of a corporation, or the
66 property of an individual, is sold on execution by a process

67 similar thereto, and advertising in like manner, the officer
68 is entitled to the same as in the sale of an equity of redemp-
69 tion.

The fees of the register of deeds for recording a levy upon
71 real estate, or the deed of the officer for the sale of real
72 estate on execution, and all sums paid by the officer for
73 internal revenue stamps to be affixed to such deed, shall
74 be taxed by the officer in his return; and every officer, mak-
75 ing a levy on real estate by appraisal, shall cause the execu-
76 tion and his return thereon to be recorded by the register
77 of deeds for the district where the land lies, within three
78 months after such levy.

For the service of a warrant, the officer is entitled to one
80 dollar, and fifty cents for service of a mittimus to com-
81 mit a person to jail or to the house of correction, and usual
82 travel, with reasonable expenses incurred in the conveyance
83 of such prisoner.

For each aid, necessarily employed in criminal cases, in-
85 cluding expenses, one dollar a day, and in that proportion
86 for a longer or shorter time, and four cents a mile for travel
87 in going out and returning home.

For the service of a subpoena in criminal cases, fifty cents;
89 unless in special cases, when the court may increase the
90 fees to what it judges reasonable.

For attending court, and keeping the prisoner in criminal
92 cases, seventy-five cents for every twelve hours, and in that
93 proportion for a greater or less time.

For travel actually performed for the service of a writ,
95 warrant, execution or other process, twenty cents a mile
96 from the officer's residence to the place of the service of
97 the precept, by the usually traveled route, with all reason-
98 able sums actually paid for boat hire, ferriage and for cross-
99 ing any toll bridge, and postage for returning the process
100 by mail to the court to which it is returnable. Only one
101 travel shall be allowed for any one precept, and no con-
102 structive travel; but if the same is served on more than
103 one person, the travel may be computed from the place
104 of service most remote from the place of return, with all
105 further necessary travel in serving such precept.

No charge of such officer for service, travel or expenses
107 paid, shall be allowed unless the items thereof are express-
108 ly stated, and the amount of each; and no fees for con-
109 structive travel shall be allowed him for the service of a
110 subpoena, notice to an adverse party, or other process in
111 which there is no command to make return.

For distributing venires for jurors, eight cents each; for
113 proclamations of all kinds, five cents each.

For transmitting to the selectmen of towns precepts from
115 the governor for calling special meetings for the election
116 of representatives to congress from any district, with copies
117 of the lists of persons previously voted for, for each town,
118 fifty cents.

Every deputy sheriff, while in attendance upon the supreme
120 judicial court in the several counties, and while in attend-

121 ance on any court where jury trials may be held, shall re-
122 ceive for said attendance three dollars per day.

The fees provided by section sixty-nine of chapter twenty-
124 nine, shall remain as heretofore established. The sheriff,
125 at its opening, shall present to the court a list of the officers
126 attending, with a statement of the duties of each; and the
127 court shall determine the number necessary, and disallow
128 charges for others.

The remuneration of the officer appointed to attend the
130 superior court for the county of Cumberland shall be three
131 dollars a day for such attendance.

For services under chapter one hundred and fourteen, as:
133 follows: taking a debtor before a justice or justices for
134 disclosure, travel as in service of a writ, and attendance,
135 fifty cents; for a bail or other bond, twenty-five cents; and
136 for recommitment of a prisoner when remanded, fifty
137 cents; but no dollarage or commission shall be allowed to
138 the officer for an arrest or commitment upon execution of
139 mesne process, except upon the money actually collected;
140 for arresting a debtor on execution, when he discloses with-
141 out giving bond, fifty cents, and travel as aforesaid; for
142 keeping him, one dollar a day for himself and each neces-
143 sary aid; for notifying the creditor and justices, fifty cents;
144 each, and travel as aforesaid; and no officer is required to
145 arrest a debtor on execution, unless a written direction to
146 do so, signed by the creditor or his attorney, is indorsed

147 thereon, and a reasonable sum for such fees is paid or
148 secured to him, for which he shall account to the creditor
149 as for money collected on execution.'