

# 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-NINTH LEGISLATURE

---

---

HOUSE

NO. 25

---

---

House of Representatives, Jan. 23, 1919.

Referred to Committee on Judiciary and 500 copies ordered printed.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Eaton of Rumford.

---

STATE OF MAINE

---

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

---

AN ACT to amend section 5 of chapter one hundred and  
eighteen of the Revised Statutes relating to fees of sheriffs  
and their deputies.

---

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

Section 5 of chapter one hundred and eighteen of the Re-  
vised Statutes is hereby amended by striking out all of said  
section and inserting in place thereof the following:

For the service of an original summons or scire facias,  
either by reading or copy, or for the service of a capias or  
attachment with summons on one defendant, seventy-five  
cents; if served on more than one defendant, seventy-five  
cents more for each.

If the sheriff, or his deputy, by written direction of the  
2 plaintiff, his agent or attorney, makes special service of  
3 any writ of attachment by attaching property, he shall re-  
4 ceive therefor fifty cents and seventy-five cents for serving  
5 the summons thereon; and for taking the body on a *capias*,  
6 one dollar for each defendant on whom such writ is so  
7 served.

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

If real estate is attached, the officer may charge fifty cents  
2 for leaving with the register of deeds an attested copy of  
3 his return and other particulars, as required by law, and in-  
4 stead of travel, legal postage; and the usual rate of travel  
5 from the residence of such officer to the nearest postoffice;  
6 and he shall pay the register ten cents, and tax the same  
7 with his own fees.

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

For the service of a subpoena, notice to an adverse party, or  
2 other process in which there is no command to make return,  
3 fifty cents; if by copy, at the rate of twenty cents a page  
4 for the copy; and travel as in other cases; and service on an  
5 adverse party, by giving him an attested copy of the notice in  
6 hand, is valid.

For levying and collecting executions in personal actions,  
2 for every dollar of the first hundred dollars, three cents;  
3 for every dollar above one hundred, and not exceeding two  
4 hundred dollars, two cents; and for every dollar above two  
5 hundred dollars, one cent.

For serving a writ of possession, one dollar and ten cents;  
2 and if on more than one piece of land, seventy-five cents for  
3 each piece of land after the first; and the fees for levying and  
4 collecting the costs shall be the same as above provided for  
5 executions in personal actions.

For serving an execution upon a judgment of court for  
2 partition of real estate, or assignment of dower, one dollar a  
3 day and four cents a mile from the officer's place of abode  
4 to the place of service. For service of a petition to the  
5 legislature, fifty cents, and twenty cents for each page of  
6 copy, with usual travel.

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

For each appraiser of real estate, for extending execution,  
2 or assigning dower, one dollar a day and travel at the rate of  
3 four cents a mile going out and returning home, to be paid  
4 by the officer and charged in his return.

For advertising, in a newspaper, a right in equity of re-  
2 decming mortgaged real estate, to be sold on execution, such  
3 sum as he pays the printer therefor; for writing and posting  
4 notices of the sale of such equity in the town where  
5 the land lies, and in two adjoining towns, three dollars and

6 usual travel and for making out a deed and return of the  
7 sale of such equity, two dollars.

When the estate or interest of any person, held by a  
2 possession or improvement, is seized and sold on execution,  
3 or the franchise or other property of a corporation, or the  
4 property of an individual, is sold on execution by a process  
5 similar thereto, and advertising in like manner, the officer  
6 is entitled to the same as in the sale of an equity of re-  
7 demption.

The fees of the register of deeds for recording a levy upon  
2 real estate, or the deed of the officer for the sale of real  
3 estate on execution, and all sums paid by the officer for in-  
4 ternal revenue stamps to be affixed to such deeds, shall be  
5 taxed by the officer in his return; and every officer, making  
6 levy on real estate by appraisal, shall cause the execution and  
7 his return thereon to be recorded by the register of deeds  
8 for the district where the land lies, within three months  
9 after such levy.

For the service of a warrant, the officer is entitled to one  
2 dollar, and one dollar for service of a mittimus to commit  
3 a person to jail or to the house of correction, and usual  
4 travel, with reasonable expenses incurred in the conveyance  
5 of such prisoner.

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

For the service of a subpoena in criminal cases, one dollar;  
2 unless in special cases, when the court may increase the fees  
3 to what it judges reasonable.

For attending court, and keeping the prisoner in criminal  
2 cases, one dollar and fifty cents for every twelve hours, and  
3 in that proportion for a greater or less time.

For travel actually performed for the service of a writ,  
2 warrant, execution or other process, ten cents a mile each  
3 way, from the officer's residence to the place of the service  
4 of the precept, by the usually traveled route, with all rea-  
5 sonable sums actually paid for boat hire, ferriage and for  
6 crossing any toll bridge, and postage for returning the process  
7 by mail to the court to which it is returnable. Only one  
8 travel shall be allowed for any one precept, and no con-  
9 structive travel; but if the same is served on more than one  
10 person, the travel may be computed from the place of ser-  
11 vice most remote from the place of return, with all further  
12 necessary travel in serving such precept.

No charge of such officer for service, travel or expenses  
2 paid, shall be allowed, unless the items thereof are ex-  
3 pressly stated, and the amount of each; and no fees for con-  
4 structive travel shall be allowed him for the service of a  
5 subpoena, notice to an adverse party, or other process in  
6 which there is no command to make return.

For transmitting to the selectmen of towns precepts from  
2 the governor for calling special meetings for the election of  
3 representatives to congress from any district, with copies

4 of the lists of persons previously voted for, for each town,  
5 fifty cents.

Every deputy sheriff, while in attendance upon the supreme  
2 judicial court in the several counties, and while in attend-  
3 ance on any court where jury trials may be held, shall re-  
4 ceive for said attendance three dollars per day. The sheriff,  
5 at its opening, shall present to the court, a list of the officers  
6 attending, with a statement of the duties of each; and the  
7 court shall determine the number necessary, and disallow  
8 charges for others.

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

For services under chapter one hundred and fifteen, as  
2 follows: taking a debtor before the justice or justices for  
3 disclosure, travel as in service of a writ, and attendance,  
4 seventy-five cents; for a bail or other bond, twenty-five  
5 cents; and for recommitment of a prisoner when remanded,  
6 twenty-five cents; but no dollarage or commission shall be  
7 allowed to the officer for an arrest or commitment upon exe-  
8 cution or mesne process, except upon the money actually  
9 collected; for arresting a debtor on execution, when he dis-  
10 closes without giving bond, one dollar, and travel as afore-  
11 said; for keeping him, two dollars a day for himself and  
12 each necessary aid; for notifying the creditor and justices,  
13 fifty cents each, and travel as aforesaid; and no officer is  
14 required to arrest a debtor on execution, unless a written

15 direction to do so, signed by the creditor or his attorney,  
16 is endorsed thereon, and a reasonable sum for such fees is  
17 paid or secured to him, for which he shall account to the  
18 creditor as for money collected on execution.