

# MAINE STATE LEGISLATURE

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EIGHTIETH LEGISLATURE

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SENATE

NO. 44

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In Senate, February 9, 1921.

Referred to Committee on Legal Affairs and 500 copies ordered printed. Sent down for concurrence.

L. ERNEST THORNTON, Secretary.

Presented by Senator Thompson of Knox.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND  
NINE HUNDRED AND TWENTY-ONE

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AN ACT Additional to Section Forty-seven of Chapter One Hundred and Nine of the Revised Statutes, Relating to Surveys in Real or Mixed Actions.

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

Section forty-seven of chapter one hundred and nine of  
2 the revised statutes is hereby amended by adding to said  
3 section the words 'and whenever the prevailing party in  
4 any such action shall have caused surveys to be made at  
5 his own expense, the presiding justice may allow such party  
6 such portion of the expense of such surveys (not exceed-  
7 ing eighty per cent of the cost of such surveys and plans)  
8 as he deems just, the same to be taxed in the bill of costs

9 of said prevailing party, so that as amended said section  
10 shall read as follows:

‘Sect. 47. The amount of the fees and necessary expenses  
2 of such surveyor shall be fixed and determined by the court  
3 upon the acceptance of the report and shall be paid as fol-  
4 lows: If the court is of the opinion that such fees and ex-  
5 penses, or some portion of the same, ought to be paid by  
6 the county, then the amount thereof to be paid by the coun-  
7 ty, whether the whole or a part, shall be fixed and deter-  
8 mined by the court and the amount so fixed and determined  
9 shall be paid by the county on presentation of the proper  
10 certificate of the clerk of courts for that county. If the  
11 court is of the opinion that the whole or any part of such  
12 fees and expenses should be paid by the parties to the suit  
13 or action, or by either of such parties, then the court may  
14 fix and determine the amount to be paid by such parties,  
15 or by either of such parties, and the parties shall be liable  
16 to the surveyor in an action of money had and received for  
17 the amount to be paid by them jointly, and each of the  
18 parties shall likewise be liable to the surveyor in the same  
19 kind of an action for the amount to be severally paid. And  
20 whenever the prevailing party in any such action shall have  
21 caused surveys to be made at his own expense, the presid-  
22 ing justice may allow such party such portion of the ex-  
23 pense of such surveys (not exceeding eighty per cent of  
24 the cost of such surveys and plans) as he deems just, the  
25 same to be taxed in the bill of costs of said prevailing  
26 party.’