

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)

NEW DRAFT

EIGHTY-FIRST LEGISLATURE

HOUSE

NO. 426

House of Representatives, March 19, 1923.

Reported by Mr. Hale from Committee on Legal Affairs
and ordered printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

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

AN ACT to Amend Section Ten of Chapter One Hundred
Eighteen of the Revised Statutes Relating to Costs to be
Taxed for Parties and Attorneys.

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

Section ten of chapter one hundred eighteen of the revised
2 statutes is hereby amended by adding to said section the
3 following words:

“The allowance for travel and attendance to parties re-
2 covering costs in the supreme judicial or superior courts
3 shall be limited to two terms and every other term at
4 which a trial is had except in addition thereto in case a
5 demurrer, plea in abatement, or motion to dismiss is filed

6 by the defendant, the prevailing party in such three last
7 named proceedings shall be allowed travel and attendance
8 in such action for not exceeding two additional terms. The
9 court may for good and sufficient cause order such allow-
10 ance for additional terms in all actions before it. No
11 referee shall allow costs in any proceedings in excess of
12 the above provisions,' so that said section as amended shall
13 read as follows:

'Sect. 10. Costs to be taxed for parties, and attorneys.
2 Costs allowed to parties and attorneys in civil actions shall
3 be as follows: to parties recovering costs before a trial
4 justice, thirty-three cents for each day's attendance, and
5 the same for every ten miles' travel; to parties recovering
6 costs in the supreme judicial or superior courts, thirty-
7 three cents for every ten miles' travel, and three dollars
8 and fifty cents for attendance at each term until the action
9 is disposed of, unless the court otherwise directs.

'Costs for travel shall be taxed for the prevailing party
2 in civil suits, according to the distance of said party or
3 his attorney who resides nearest to the place of trial, unless
4 said prevailing party or his attorney who resides farthest
5 from said place of trial actually travels the greater distance
6 for the special purpose of attending court in such cause,
7 in which case costs shall be taxed for said last named dis-
8 tance, and when the action is in the name of an indorsee,
9 and the plaintiff is the prevailing party, such costs for
10 travel shall be taxed according to the distance of the at-

11 torney, payee or indorsee, who is nearest to the place of
12 trial, unless the attorney, payee or indorsee, residing the
13 greater distance from said place of trial, actually travels
14 such greater distance for the special purpose of attending
15 court in said cause. But no costs for travel shall be allowed
16 for more than ten miles' distance from any justice, mu-
17 nicipal or police court, nor for more than forty miles' dis-
18 tance from any justice, municipal or police court, unless
19 the plaintiff prevailing actually travels a greater distance,
20 or the adverse party, if he recovers costs, by himself, his
21 agent or attorney, in fact travels a greater distance for the
22 special purpose of attending court in such cause.

'For a power of attorney, fifty cents; and for the plain-
2 tiff's declaration, fifty cents in the supreme judicial or
3 superior courts, but no fee for a power shall be taxed before
4 any municipal or police court or trial justice, unless other-
5 wise specially provided in the act establishing such court.
6 For an issue in law or fact, there shall be allowed for an
7 attorney's fee, two dollars and fifty cents in the supreme
8 judicial or superior courts. A fee of five dollars shall
9 be taxed on the plaintiff's costs for making up a conditional
10 judgment under section ten of chapter ninety-five.

'In cases of forcible entry and detainer, parties shall be
2 allowed the same costs as in ordinary civil actions.

'A party summoned as trustee and required to attend
2 court and make a disclosure, shall be entitled to costs as
3 follows: If the claim sued for does not exceed twenty

4 dollars, such trustee shall be entitled to travel and attend-
5 ance and twenty-five cents for the oath; and if the claim
6 sued for exceeds twenty dollars, such trustee shall be en-
7 titled to two dollars and fifty cents in addition to the above
8 fee, and when required to attend court for further exami-
9 nation such trustee shall be entitled to travel and attend-
10 ance.

‘In all municipal and police courts the amount of costs
2 allowed in civil actions shall depend upon the amount re-
3 covered and not upon the ad damnun in the writ; and the
4 allowance for travel and attendance to parties recovering
5 costs in municipal and police courts, or before any trial
6 justice shall be limited to three terms, except that the
7 court may, for good and sufficient cause, order such allow-
8 ance for additional terms.

‘No costs shall accrue, be taxed or allowed, for any pre-
2 cept required in legal proceedings, whether in law or equity,
3 unless the same shall issue from and bear the indorsement
4 of an attorney at law.

‘The allowance for travel and attendance to parties re-
2 covering costs in the supreme judicial or superior courts
3 shall be limited to two terms and every other term at which
4 a trial is had except in addition thereto in case a demurrer,
5 plea in abatement, or motion to dismiss is filed by the de-
6 fendant, the prevailing party in such three last named
7 proceedings shall be allowed travel and attendance in such
8 action for not exceeding two additional terms. The court

9 may for good and sufficient cause order such allowance
10 for additional terms in all actions before it. No referee
11 shall allow costs in any proceedings in excess of the above
12 provisions.'