

MAINE STATE LEGISLATURE

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N I N E T Y - T H I R D L E G I S L A T U R E

Legislative Document

No. 22

S. P. 50

In Senate, January 14, 1947.

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary.

Presented by Senator Cross of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

AN ACT Relating to Fees of Expert Witnesses.

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

R. S., c. 100, § 129, amended. Section 129 of chapter 100 of the revised statutes is hereby amended to read as follows :

Sec. 129. Fees of witnesses. Witnesses in the supreme judicial court or the superior court or in the probate courts and before a trial justice or a municipal court shall receive \$2, and before referees, auditors, or commissioners specially appointed to take testimony, or special commissioners on disputed claims appointed by probate courts, \$1.50, or before the county commissioners \$1, for each day's attendance and 6c a mile for each mile's travel going and returning home; but the court in its discretion, may allow at the trial of any cause, civil or criminal, in said supreme judicial court or the superior court, a sum not exceeding \$25 per day for the attendance of any expert witness or witnesses at said trial, in taxing the costs of the prevailing party, except that the expense of all expert witnesses for the state in ~~homicide~~ **murder** cases shall be in such amounts as the presiding justice shall allow and shall be paid by the state and charged against the appropriation for the department of the attorney-general; but such party or his attorney of record shall first file an affidavit, during the term at which such trial is held, and before the cause is settled, stating the name, residence,

number of days in attendance, and the actual amount paid or to be paid each expert witness in attendance at such trial. No more than \$2 per day shall be allowed or taxed by the clerk of courts in the costs of any suit for the per diem attendance of a witness, unless the affidavit herein provided is filed, and the per diem is determined and allowed by the presiding justice.'