

MAINE STATE LEGISLATURE

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

Legislative Document

No. 585

S. P. 219

In Senate, February 11, 1953

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

CHESTER T. WINSLOW, Secretary

Presented by Senator Silsby of Hancock.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-THREE

AN ACT Relating to Court Records and Official Court Reporters.

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

Sec. 1. R. S., c. 100, § 59, repealed and replaced. Section 59 of chapter 100 of the revised statutes is hereby repealed and the following enacted in place thereof :

'Sec. 59. Motions to set aside verdicts on report to full court. When a motion is made in the superior court to have a verdict set aside as against law or evidence, a report of the whole evidence shall be signed by the presiding justice or authenticated by the certificate of the official court reporter. When the motion is founded on any alleged cause not shown by the evidence presented at the trial, the testimony in support of the allegations of the motion and in rebuttal or impeachment may be taken out and a report of the same, together with that presented at the trial, shall be signed by the justice or authenticated by the certificate of the official court reporter, and the case shall be marked "Law." When the law court is of the opinion that any such motion is frivolous or intended for delay it may award double or treble costs.'

Sec. 2. R. S., c. 100, § 185, repealed and replaced. Section 185 of chap-

ter 100 of the revised statutes, as amended, is hereby repealed and the following enacted in place thereof:

'Official Court Reporters

Sec. 185. Official court reporters, their appointment, duties, salary, and expenses. The chief justice of the supreme judicial court may appoint not more than 11 official court reporters to serve for a term of 7 years, who shall report the proceedings in the supreme judicial court and in the superior court and who shall be officials of the court to which they may from time to time be assigned by the chief justice, and be sworn to the faithful discharge of their duties, and each of whom shall receive from the state a salary of \$6,500 per year. They shall take full notes of all oral testimony and other proceedings in the trial of causes, either at law or in equity, including the charge of the justice in all trials before a jury, and all comments and rulings of said justice in the presence of the jury during the progress of the trial, as well as all statements and arguments of counsel addressed to the court, and during the trial furnish for the use of the court or either of the parties a transcript of so much of their notes as the presiding justice may direct. They shall also furnish a transcript of so much of the evidence and other proceedings taken by them as either party to the trial requires, on payment therefor by such party at the rate of 20c for every 100 words. One of said official court reporters designated for the purpose shall perform such clerical services as may be required of him by the chief justice who may allow him reasonable compensation for such clerical services for which he shall be reimbursed.

Official court reporters appointed by the chief justice of the supreme judicial court shall also receive, from the county in which the court or an equity proceeding is held, their expenses when in attendance upon such court or equity proceedings away from their place of residence, but not otherwise; a detailed statement of such expenses actually and reasonably incurred shall be approved by the presiding or sitting justice.

The chief justice may appoint temporary court reporters to serve at his pleasure, to fulfill the duties of official court reporters whenever it may seem necessary to him in carrying out the functions and duties of the court. While in the performance of their temporary duties, these court reporters shall receive the same compensation as provided by law for, and shall have all the powers and duties of, official court reporters.'

Sec. 3. R. S., c. 100, § 186, repealed and replaced. Section 186 of chap-

ter 100 of the revised statutes is hereby repealed and the following enacted in place thereof :

'Sec. 186. Appointment for hearings in vacation. At any hearing in vacation of a cause of a law or equity pending in the supreme judicial court or in the superior court, the presiding justice may, when necessary, appoint a court reporter other than his regularly appointed official court reporter to report the proceedings thereof, who shall receive for his services, from the treasury of the county in which the cause is pending, a sum not exceeding \$10 a day for attendance in addition to actual traveling expenses; but when at such hearings the presiding justice employs his regularly appointed official court reporter, such official court reporter shall receive from said treasury only the amount of his actual expenses incurred in attending the same.'

Sec. 4. R. S., c. 100, § 187, repealed and replaced. Section 187 of chapter 100 of the revised statutes is hereby repealed and the following enacted in place thereof :

'Sec. 187. Authentication of evidence, by official court reporter. In all cases coming before the law court from the supreme judicial court or from the superior court, in which a copy of the evidence is required by statute, rule of court, or order of the presiding justice, a certificate signed by the official court reporter, stating that the report furnished by him is a correct transcript of his stenographic notes of the testimony and proceedings at the trial of the cause, shall be sufficient authentication thereof without the signature of the presiding justice.'

Sec. 5. R. S., c. 100, § 188, repealed and replaced. Section 188 of chapter 100 of the revised statutes is hereby repealed and the following enacted in place thereof :

'Sec. 188. Upon death or disability of official court reporter, proceedings. When a verdict has been rendered or a decree made in any cause, in law or equity, in the supreme judicial court or in the superior court, and a certified copy of the evidence taken by the official court reporter cannot be obtained by reason of the death or disability of such reporter, the justice who presided at the trial of such cause may, if a motion for a new trial has been filed during the term at which the verdict was rendered, on petition therefor, after notice and hearing thereon, set aside such verdict and grant a new trial at any time within 1 year after it was returned, when in his opinion the evidence demands it; and exceptions allowed by such justice, when the evidence or any portion thereof is made a part of the exceptions, or an appeal taken from any decree in equity made by him, may be

heard and determined by the law court either upon a statement of facts agreed upon by counsel and certified by such justice, or upon a report signed and certified by him as a true report of all the material facts in the case.'

Sec. 6. R. S., c. 100, § 189, repealed and replaced. Section 189 of chapter 100 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Sec. 189. Testimony may be proved by certified copy of notes of former testimony. Whenever it becomes necessary, in any court in the state, to prove the testimony of a witness at the trial of any former case in any court in the state, the certified copy of the notes of such testimony, taken by the official court reporter at the court where said witness testified, is evidence to prove the same.'

Sec. 7. R. S., c. 100, § 190, repealed and replaced. Section 190 of chapter 100 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Sec. 190. Stenographic reports may be taxed in bill of costs. Any amount legally chargeable by official court reporters, for writing out their reports for use in law cases, and actually paid by either party whose duty it is to furnish them, may be taxed in the bill of costs and allowed against the losing party, as is now allowed for copies, if furnished by the clerk.'

Sec. 8. R. S., c. 135, § 31, repealed and replaced. Section 31 of chapter 135 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Sec. 31. Copy of proceedings in murder cases to be filed with clerk of court and in office of secretary of state; expenses; provisions retroactive in certain cases. Whenever any person is convicted of murder, a copy of the indictment, plea, evidence, and charge of the presiding justice, certified by the official court reporter, shall be filed with the clerk of the court where such trial is held. If such court reporter is paid an annual salary, the making and filing of said copy shall be without extra compensation, otherwise the expense thereof shall be paid by the county; but this section shall not apply to cases where a motion for a new trial is filed and granted, as to evidence and charge in any trial but the last. A copy of the indictment, plea, evidence and charge of the presiding justice, certified by the official court reporter, shall also be filed in the office of the secretary of state, so that it may be used in any pardon hearing before the governor and council, and the expense thereof shall be paid by the state. The state shall pay the

expense of having the evidence and charge transcribed by the official court reporter in any murder cases heretofore tried, where a pardon is sought by one serving a life sentence in the state prison who is unable to pay therefor, if he or she claims to be innocent of the crime, the transcript to be filed in the office of the secretary of state for use as above provided.'