

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. 1043

S. P. 381

In Senate, February 24, 1953.

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

CHESTER T. WINSLOW, Secretary

Presented by Senator Reid of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-THREE

AN ACT Relating to Fees of Sheriffs and Deputies.

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

R. S., c. 79, § 166, repealed and replaced. Section 166 of chapter 79 of the revised statutes, as amended, is hereby repealed and the following enacted in place thereof:

‘Sec. 166. Fees. Sheriffs and their deputies shall receive the following fees:

I. For any service required by law to be served in hand, \$3.

II. For the service of libel of divorce inserted in writ of attachment by serving summons and attested copy of writ and libel or for the service of libel for divorce with order of court thereon by attested copy, \$3.

III. For the attachment of real estate at registry of deeds, including copy and fee of 25c to registry which shall be paid by the sheriff or the deputy making the attachment, \$3.

IV. For attachment of personal property, \$3.

V. For service of writ of replevin by copy thereof, \$3, and in addition thereto, \$1 for each hour after the first required for such service.

VI. For levying and collecting executions in personal actions, for every dollar of the first \$100, 3c; for every dollar above \$100 and not exceeding \$200, 2c; and for every dollar above \$200, 1c.

VII. For causing appraisers to be sworn and making return of levying on real estate, \$1.

VIII. For each appraiser of real estate, for extending execution, or assigning dower, \$1 a day and travel at the rate of 10c a mile going out and returning home, to be paid by the officer and charged in his return.

IX. For advertising in a newspaper a right in equity of redeeming mortgaged real estate to be sold on execution, such sums as he pays the printer therefor; for writing and posting notices of the sale of such equity in the town where the land lies and in 2 adjoining towns, \$3 and usual travel, and for making out a deed and return of the sale of such equity, \$2.

X. When the estate or interest of any person, held by a possession or improvement, is seized and sold on execution, or the franchise or other property of a corporation or the property of an individual is sold on execution by a process similar thereto, and advertising in like manner, the officer is entitled to the same as in the sale of an equity of redemption.

XI. For other services under chapter 107 as follows: taking a debtor before the justice or justices for disclosure, travel as in service of a writ, and attendance, \$1; for a bail or other bond, 25c; and for recommitment of a prisoner when remanded, 25c; but no dollarage or commission shall be allowed to the officer for an arrest or commitment upon execution or mesne process, except upon the money actually collected; for arresting a debtor on execution, when he discloses without giving bond, \$1, and travel as provided by law; for keeping him, \$2 a day for himself and each necessary aid; for notifying the creditor and justices, 50c each, and travel aforesaid; and no officer is required to arrest a debtor on execution, unless a written direction to do so signed by the creditor or his attorney is indorsed thereon, and a reasonable sum for such fees is paid or secured to him, for which he shall account to the creditor as for money collected on execution.

XII. Sheriffs and their deputies shall make a charge of \$1 for making diligent search for persons upon whom they are commanded to serve civil process, when such party cannot be located at an address given to said sheriff or his deputy by the plaintiff or his attorney when commanding such service to be made.

XIII. The fee for civil arrests shall be \$1 for such arrest and \$2 shall be charged for custody thereunder, including arrests and custody under bastardy proceedings.

XIV. For a bail-bond and writing the same, including principal and sureties, to be paid by the person admitted to bail and taxed for him if he prevails, \$1.

XV. For each aid necessarily employed in criminal cases, including expenses, \$2 a day, and in that proportion for a longer or shorter time, and 10c a mile for travel in going out and returning home.

XVI. For attending court and keeping the prisoner in criminal cases, \$1.50, together with such reasonable sum as the court may allow for expenses incurred by the officer in employing a keeper, furnishing meals or other necessities.

XVII. For travel actually performed for the service of a writ, warrant, execution or other process, 20c a mile from the officer's place of abode to the place of service, with all reasonable sums actually paid for boat hire, ferriage and for crossing any toll-bridge, and postage for returning the process by mail to the court to which it is returnable. Only one travel shall be allowed for any one precept, and no constructive travel; but if the same is served on more than one person, the travel may be computed from the place of service most remote from the place of return, with all further necessary travel in serving such precept.

XVIII. No charge of such officer for service, travel or expenses paid shall be allowed, unless the items thereof are expressly stated and the amount of each; and no fees for constructive travel shall be allowed him for the service of a subpoena, notice to an adverse party, or other process in which there is no command to make return.

XIX. For transmitting to the selectmen of towns precepts from the governor for calling special meetings for the election of representatives to congress from any district, with copies of the lists of persons previously voted for, for each town, 50c.

XX. Every deputy sheriff and court messenger while in attendance upon the supreme judicial court or the superior court in their several counties shall receive for said attendance and service \$8 a day and such additional pay as the county commissioners may approve; and the sheriff, at its opening, shall present to the court a list of the officers attending, with the statement of the duties of each; and the court shall determine the number necessary and disallow charges for others.

XXI. Every deputy sheriff while performing special duties under order of the sheriff shall receive for such service \$8 a day and such additional pay as the county commissioners may approve, together with necessary incidental expenses, to be paid from the county treasury, the bills for which shall be audited as provided in section 2 of chapter 137.

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

XXIII. For any of the above enumerated services in civil cases which a constable may legally perform, he shall receive the same fees as are provided above for deputy sheriffs.

XXIV. All fees chargeable under the statutes of the state by deputy sheriffs for the performance of criminal duties, with the exception of actual expenses incurred, when chargeable by per diem deputies, shall be charged and collected, and said sums paid over to and retained by the county treasurer.

XXV. For all other services not specifically provided for in this section, \$2.'