

MAINE STATE LEGISLATURE

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NEW DRAFT OF S. P. 381—L. D. 1043

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. 1439

S. P. 534

In Senate, April 10, 1953.

Reported by Senator Weeks of Cumberland from Committee on Towns and Counties and printed under Joint Rules No. 10.

CHESTER T. WINSLOW, Secretary.

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R. S., c. 79, § 166, repealed and replaced. Section 166 of chapter 79 of the revised statutes, as amended, is hereby repealed and the following enacted in place thereof :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 service of all writs with summons, precepts, notices, subpoenas, executions, court orders, orders of service, copies, bills in equity with subpoena issued thereon, and all other civil process or papers requiring service which are not specifically hereinafter enumerated, they shall receive therefor \$2 for each such service.

II. For the service of petition and subpoena for disclosure before commissioner or for the service of citation by copy to creditor as provided by chapter 107, \$3.50.

III. For the service of libel for 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, \$4.

IV. For attachment of real estate at registry of deeds, which includes fee of 50c to registry, \$3.50.

V. For attachment of personal property, or for the service of writ of replevin, \$3.50, and in addition thereto \$1, for each hour after the first required for such service.

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

VII. For service of tax summons and arrest under tax warrants the same as for service of civil process.

VIII. For levying and collecting executions in personal actions, for every dollar of the first \$100, 4c; for every dollar above \$100 and not exceeding \$200, 3c; and for every dollar above \$200, 2c.

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 posting notice of the sale of such equity in the town where the land lies and in 2 adjoining towns, \$6, and usual travel, and for a deed and return of the sale of such equity, \$2.

X. Sheriffs and their deputies shall make a charge of \$1, plus necessary travel, 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.

XI. In addition to the fees so charged for service, travel shall be charged at the rate of 20c a mile from the officer's place of abode to the place of service.

XII. For the service of a warrant, the officer is entitled to \$2, and \$2 for the service of a mittimus to commit a person to jail and usual travel, with reasonable expenses incurred in the conveyance of such prisoner.

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

XIV. For attending court and keeping the prisoner in criminal cases, \$10 a day, and in that proportion for a greater or shorter length of time.

XV. 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 \$10 a day, plus their necessary travel at 20c a mile from their place of abode for each day's attendance.

XVI. Every deputy sheriff while performing special duties under order of the sheriff shall receive for such services \$10 a day, 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. Provided, however, that such officers shall not be entitled to fees for any services rendered in criminal matters while acting as per diem officers.

XVII. 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.

XVIII. No fee shall be charged by any sheriff or deputy sheriff for attesting copies of any writ.'