

MAINE STATE LEGISLATURE

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Acts and Resolves

As Passed by the

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Seventy-Ninth Legislature

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[supplied from page 3 of volume]

one specified in house document No. 336 entitled "An Act to Amend Sections Sixty and Sixty-one of Chapter Nine of the Revised Statutes Relating to Taxation of Savings Banks."

Approved April 4, 1919.

Chapter 222.

An Act to Amend Section Five of Chapter One Hundred and Eighteen of the Revised Statutes, Relating to Fees of Sheriffs and their Deputies.

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

R. S., c. 118, § 5; relating to fees of sheriffs and their deputies, amended.

Section five of chapter one hundred and eighteen of the revised statutes is hereby amended by striking out all of said section and inserting in place thereof the following:

'Sec. 5. New schedule of fees established and inconsistent statutes repealed. For the service of an original summons or scire facias, either by reading or copy, or for the service of a capias or attachment with summons on one defendant, seventy-five cents; if served on more than one defendant, seventy-five cents more for each.

If the sheriff, or his deputy, by written direction of the plaintiff, his agent or attorney, makes special service of any writ of attachment by attaching property, he shall receive therefor fifty cents and seventy-five cents for serving the summons thereon; and for taking the body on a capias, one dollar for each defendant on whom such writ is so served.

Where the officer is by law directed to leave a copy, or gives a copy of any precept upon demand, he may charge at the rate of twenty cents a page, which, in the latter case, shall be paid by the party demanding it.

If real estate is attached, the officer may charge twenty-five cents for leaving with the register of deeds an attested copy of his return and other particulars, as required by law, and instead of travel, legal postage; and the usual rate of travel from the residence of such officer to the nearest postoffice; and he shall pay the register ten cents, and tax the same with his own fees.

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, one dollar.

For the service of a subpoena, notice to an adverse party, or other process in which there is no command to make return, fifty cents; if by copy, at the rate of twenty cents a page for the copy; and travel as in other cases; and service on an adverse party, by giving him an attested copy of the notice in hand, is valid.

CHAP. 222

For levying and collecting executions in personal actions, for every dollar of the first hundred dollars, three cents; for every dollar above one hundred, and not exceeding two hundred dollars, two cents; and for every dollar above two hundred dollars, one cent.

For serving a writ of possession, one dollar and ten cents; and if on more than one piece of land, seventy-five cents for each piece of land after the first; and the fees for levying and collecting the costs shall be the same as above provided for executions in personal actions.

For serving an execution upon a judgment of court for partition of real estate, or assignment of dower, one dollar a day and ten cents a mile from the officer's place of abode to the place of service. For service of a petition to the legislature, fifty cents, and twenty cents for each page of copy, with usual travel.

For causing appraisers to be sworn, and making return of levying on real estate one dollar.

For each appraiser of real estate, for extending execution, or assigning dower, one dollar a day and travel at the rate of ten cents a mile going out and returning home, to be paid by the officer and charged in his return.

For advertising, in a newspaper, a right in equity of redeeming mortgaged real estate, to be sold on execution, such sum 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 two adjoining towns, three dollars and usual travel and for making out a deed and return of the sale of such equity, two dollars.

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.

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 three months after such levy.

For the service of a warrant, the officer is entitled to one dollar, and one dollar for service of a mittimus to commit a person to jail or to the house of correction, and usual travel, with reasonable expenses incurred in the conveyance of such prisoner.

For each aid, necessarily employed in criminal cases, including expenses, two dollars a day, and in that proportion for a longer or shorter time, and ten cents a mile for travel in going out and returning home.

For the service of a subpoena in criminal cases, one dollar; unless in special cases, when the court may increase the fees to what it judges reasonable.

For attending court, and keeping the prisoner in criminal cases, one dollar and fifty cents for every twelve hours, and in that proportion for a greater or less time.

For travel actually performed for the service of a writ, warrant, execution or other process, ten cents a mile each way, from the officer's residence to the place of the service of the precept, by the usually traveled route, 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.

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.

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, fifty cents.

Every deputy sheriff and court messengers in Androscoggin, Aroostook, Cumberland, Franklin, Kennebec, Knox, Lincoln, Penobscot, Piscataquis, Sagadahoc, Somerset, Waldo, Washington or York county while in attendance upon the supreme judicial court or the superior court in their several counties shall receive for said attendance and service four dollars a day; and in all other counties of the state a deputy sheriff so serving shall receive for such attendance and service three dollars a day, and the sheriff, at its opening, shall present to the court, a list of the officers attending, with a statement of the duties of each; and the court shall determine the number necessary, and disallow charges for others.

Every deputy sheriff, while performing special duties under order of the sheriff shall receive for such services four dollars a day, together with necessary, incidental expenses, to be paid from the county treasury, the

CHAP. 223

bills for which shall be audited as provided in section one, chapter one hundred and thirty-eight of the revised statutes.

For services under chapter one hundred and fifteen, as follows: Taking a debtor before the justice or justices for disclosure, travel as in service of a writ, and attendance, seventy-five cents; for a bail or other bond, twenty-five cents; and for recommitment of a prisoner when remanded, twenty-five cents; 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 one dollar, and travel as aforesaid; for keeping him, two dollars a day for himself and each necessary aid; for notifying the creditor and justices, fifty cents 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 endorsed 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.'

Any section of statute inconsistent herewith is hereby repealed.

Approved April 4, 1919.

Chapter 223.

An Act to Amend Section Seven of Chapter Three Hundred and Three of the Public Laws of Nineteen Hundred and Seventeen, Changing the Conditions under which Loans may be Granted by the Farm Lands Loan Commissioner.

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

1917, c. 303, § 7; 1919, c. 141; relating to conditions under which loans may be granted under Farm Lands Loan law, amended. Section seven of chapter three hundred and three of the public laws of nineteen hundred and seventeen is hereby amended by striking out in the twentieth, twenty-first, twenty-second and twenty-third lines of said section the following words: "At least one hundred thousand dollars of the moneys available from the reserved land fund shall be set aside each year for loans under this act and so much of said amount as may be necessary, is hereby appropriated to be loaned as provided for in this act", and by inserting in place thereof the words: "The reserved land fund, not invested, shall be set aside for loans under this section or for any of the purposes set forth in section three, and the amount of said fund is hereby appropriated for such uses in either of the years nineteen hundred and nineteen or nineteen hundred and twenty', so that said section, as amended, shall read as follows:

'Sec. 7. Entire reserved land fund not otherwise invested made available. The commissioners shall meet twice monthly whenever one or more