

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

AS PASSED BY THE

Eighty-first Legislature

OF THE

STATE OF MAINE

1923

Published by the Secretary of State, in accordance with the Resolves of the Legislature approved June 28, 1820, March 18, 1840, and March 16, 1842.

KENNEBEC JOURNAL PRINT SHOP
AUGUSTA, MAINE
1923

PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eighty-First Legislature

1923

[supplied from page 1 of volume]

CHAP. 122

one hundred and seventy-three of the public laws of nineteen hundred and nineteen is hereby further amended by adding thereto the following section:

'Sec. 13. Persons in possession of hunter's registration certificates not required to take out new certificate; combination certificates to be issued hereafter. Any person who, at the time this act becomes effective, has in his possession a hunter's registration certificate issued in accordance with the provisions of said chapter one hundred and seventy-three of the public laws of nineteen hundred and nineteen, shall be construed as being equipped with the combination hunting and fishing certificate required by this act.

'All such certificates issued after this act takes effect shall be combination hunting and fishing certificates, as provided herein, the same to be in the form prescribed and upon blanks furnished by the several town, city and plantation clerks of the state by the commissioner of inland fisheries and game, as provided in section two of said chapter one hundred and seventy-three of the public laws of nineteen hundred and nineteen.'

Approved March 31, 1923.

Chapter 122.

An Act to Amend Section Ten of Chapter One Hundred and Eighteen of the Revised Statutes, Relating to Costs to be Taxed for Parties and Attorneys.

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

R. S., c. 118, sec. 10; relating to costs taxed for parties and attorneys in civil causes, amended. Section ten of chapter one hundred eighteen of the revised statutes is hereby amended by adding to said section the following words:

'The allowance for travel and attendance to parties recovering costs in the supreme judicial or superior courts shall be limited to two terms and every other term at which a trial is had except in addition thereto in case a demurrer, plea in abatement, or motion to dismiss is filed by the defendant, the prevailing party in such three last named proceedings shall be allowed travel and attendance in such action for not exceeding two additional terms. The court may for good and sufficient cause order such allowance for additional terms in all actions before it. No referee shall allow costs in any proceedings in excess of the above provisions,' so that said section, as amended, shall read as follows:

'Sec. 10. Allowance for travel and attendance limited to two terms; exceptions; referees' allowance of costs limited. Costs allowed to parties and attorneys in civil actions shall be as follows: to parties recovering costs before a trial justice, thirty-three cents for each day's attendance,

CHAP. 122

and the same for every ten miles' travel; to parties recovering costs in the supreme judicial or superior courts, thirty-three cents for every ten miles' travel, and three dollars and fifty cents for attendance at each term until the action is disposed of, unless the court otherwise directs.

Costs for travel shall be taxed for the prevailing party in civil suits, according to the distance of said party or his attorney who resides nearest to the place of trial, unless said prevailing party or his attorney who resides farthest from said place of trial actually travels the greater distance for the special purpose of attending court in such cause, in which case costs shall be taxed for said last named distance, and when the action is in the name of an indorsee, and the plaintiff is the prevailing party, such costs for travel shall be taxed according to the distance of the attorney, payee or indorsee, who is nearest to the place of trial, unless the attorney, payee or indorsee, residing the greater distance from said place of trial, actually travels such greater distance for the special purpose of attending court in said cause. But no costs for travel shall be allowed for more than ten miles' distance from any justice, municipal or police court, nor for more than forty miles' distance from any other court, unless the plaintiff prevailing actually travels a greater distance, or the adverse party, if he recovers costs, by himself, his agent or attorney, in fact travels a greater distance for the special purpose of attending court in such cause.

For a power of attorney, fifty cents; and for the plaintiff's declaration, fifty cents in the supreme judicial or superior courts, but no fee for a power shall be taxed before any municipal or police court or trial justice, unless otherwise specially provided in the act establishing such court. For an issue in law or fact, there shall be allowed for an attorney's fee, two dollars and fifty cents in the supreme judicial or superior courts. A fee of five dollars shall be taxed on the plaintiff's costs for making up a conditional judgment under section ten of chapter ninety-five.

In cases of forcible entry and detainer, parties shall be allowed the same costs as in ordinary civil actions.

A party summoned as trustee and required to attend court and make a disclosure, shall be entitled to costs as follows: If the claim sued for does not exceed twenty dollars, such trustee shall be entitled to travel and attendance and twenty-five cents for the oath; and if the claim sued for exceeds twenty dollars, such trustee shall be entitled to two dollars and fifty cents in addition to the above fee, and when required to attend court for further examination such trustee shall be entitled to travel and attendance.

In all municipal and police courts the amount of costs allowed in civil

actions shall depend upon the amount recovered and not upon the ad damnum in the writ; and the allowance for travel and attendance to parties recovering costs in municipal and police courts, or before any trial justice shall be limited to three terms, except that the court may, for good and sufficient cause, order such allowance for additional terms.

No costs shall accrue, be taxed or allowed, for any precept required in legal proceedings, whether in law or equity, unless the same shall issue from and bear the indorsement of an attorney at law.

The allowance for travel and attendance to parties recovering costs in the supreme judicial or superior courts shall be limited to two terms and every other term at which a trial is had except in addition thereto in case a demurrer, plea in abatement, or motion to dismiss is filed by the defendant, the prevailing party in such three last named proceedings shall be allowed travel and attendance in such action for not exceeding two additional terms. The court may for good and sufficient cause order such allowance for additional terms in all actions before it. No referee shall allow costs in any proceedings in excess of the above provisions.'

Approved March 31, 1923.

Chapter 123.

An Act to Amend Section Twenty-nine of Chapter Thirty-three of the Revised Statutes, as Amended by Chapters Two Hundred and Nineteen and Two Hundred and Forty-four of the Public Laws of Nineteen Hundred and Seventeen and Chapter One Hundred and Ninety-six of the Public Laws of Nineteen Hundred and Nineteen, Relating to Transportation of Fish Under Tag Without Owner Accompanying the Same.

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

R. S., c. 33, sec. 29; P. L., 1917, c. 219 and 244; 1919, c. 196; relating to transportation of fish, amended. Section twenty-nine of chapter thirty-three of the revised statutes as amended by chapter two hundred and nineteen of the public laws of nineteen hundred and seventeen, as amended by chapter two hundred and forty-four of the public laws of nineteen hundred and seventeen and chapter one hundred and ninety-six of the public laws of nineteen hundred and nineteen, is hereby amended by inserting after the word "days" in the fifteenth line thereof the words 'provided, however, that ten pounds of fish or one fish taken legally in Moosehead lake or in any other waters in Piscataquis county may be sent, as herein provided, under a transportation tag whenever the same are legally in possession of the shipper during open season on said fish,' and by striking out the words "thirty days" in the twentieth line of said section and by substituting therefor the words 'one year,' so that said section, as amended, shall read as follows: