

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-second Legislature

OF THE

STATE OF MAINE

1925

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

1925

PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eighty-second Legislature

1925

[supplied from page 1 of volume]

CHAP. 84

Sec. 2. **Emergency clause.** In view of the emergency set forth in the preamble, this act shall take effect when approved.

Approved March 28, 1925.

Chapter 84.

An Act to Amend Section Two of Chapter Ninety-five of the Public Laws of Nineteen Hundred and Seventeen as Amended by Section Two of Chapter Seven of the Public Laws of Nineteen Hundred and Twenty-three, Relating to the Giving of Checks and Drafts on Banks Where the Maker Has Not Sufficient Funds.

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

P. L., 1917, c. 95, sec. 2; 1923, c. 7, sec. 2; relating to giving checks or drafts without funds, amended. Section two of chapter ninety-five of the public laws of nineteen hundred and seventeen as amended by section two of chapter seven of the public laws of nineteen hundred and twenty-three, is hereby amended by striking out all of said section and substituting in place thereof the following:

'Sec. 2. If payment is refused for lack of sufficient funds, prima facie evidence of fraud if maker or drawer has procured some benefit by reason of said check or draft. As against the maker or drawer thereof, or as against the person signing a check, draft or order for or in behalf of a corporation or partnership, or against a person signing a corporation, firm or business name by him, the making, drawing, uttering or delivery of a check, draft or order, payment of which is refused by the drawee for lack of sufficient funds, shall be prima facie evidence of intent to defraud and of knowledge of insufficient funds in, or credit with, such bank or other depository, provided such maker or drawer shall have procured some benefit or induced some person or persons to surrender some legal right, money, or other valuable thing by reason of said check, draft or order, and provided further that such maker or drawer shall not have paid the drawee or holder thereof the amount due thereon, together with all costs and protest fees, within five days after receiving notice that such check, draft or order has not been paid by the drawee.'

Approved March 28, 1925.

Chapter 85.

An Act to Amend Section Five of Chapter One Hundred and Eighteen of the Revised Statutes as Amended by Chapter Two Hundred and Twenty-two of the Public Laws of Nineteen Hundred and Nineteen and by Chapter Two Hundred and Forty-four of the Public Laws of Nineteen Hundred and Nineteen and by Chapter One Hundred and Twelve of the Public Laws of Nineteen Hundred and Twenty-three, Relating to the Salaries of Deputy Sheriffs of Cumberland County.

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

Sec. 1. R. S., c. 118, sec. 5; P. L., 1919, cc. 222 and 244; 1923, c. 112; re-

lating to fees of sheriffs and their deputies, amended. Section five of chapter one hundred and eighteen of the revised statutes as amended by chapter two hundred and twenty-two of the public laws of nineteen hundred and nineteen and by chapter two hundred and forty-four of the public laws of nineteen hundred and nineteen and by chapter one hundred and twelve of the public laws of nineteen hundred and twenty-three is hereby amended by striking out the word "Cumberland" in the second line of the twenty-first paragraph thereof and by inserting after the word "day" in the sixth line of said paragraph thereof the following words: 'In the county of Cumberland every deputy sheriff so serving shall receive for such attendance and service four dollars and a half a day' and by inserting after the word "day" in the twenty-second paragraph thereof the following words: 'except that deputies so serving in the county of Cumberland shall receive for such services four dollars and a half a day,' so that said section, as amended, shall read as follows:

'Sec. 5. Deputy sheriffs in Cumberland county to receive \$4.50 for attendance at court. 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

CHAP. 85

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.

‘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 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 the 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 a 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 travelled 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 messenger in Androscoggin, Aroostook, Franklin, Hancock, 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; in the county of Cumberland every deputy sheriff so serving shall receive for such attendance and service four dollars and a half 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

CHAP. 86

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; except that the deputies so serving in the county of Cumberland shall receive for such services four dollars and a half 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 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 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.

'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.'

Approved March 28, 1925.

Chapter 86.

An Act Relating to the Taking of Smelts, Suckers, Bait Fish, White Fish and Cusk.
Be it enacted by the People of the State of Maine, as follows:

Sec. 1. P. L., 1917, c. 219, sec. 26; 1917, c. 244; 1919, c. 196; 1921, c. 218; 1923, cc. 32 and 132; relating to the taking of smelts, amended. Section twenty-six of 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 by