

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
Ninetieth and Ninety-first
Legislatures
OF THE
STATE OF MAINE
From April 26, 1941 to April 9, 1943
AND MISCELLANEOUS STATE PAPERS

Published by the Revisor of Statutes in accordance
with the Resolves of the Legislature approved June
28, 1820, March 18, 1840, March 16, 1842, and Acts
approved August 6, 1930 and April 2, 1931.

KENNEBEC JOURNAL
AUGUSTA, MAINE
1943

PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Ninety-first Legislature

1943

Chapter 63

AN ACT Relating to Fees of Expert Witnesses in Homicide Cases.

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

R. S., c. 126, § 7, amended. Section 7 of chapter 126 of the revised statutes is hereby amended to read as follows:

'Sec. 7. Fees of witnesses. Witnesses in the supreme judicial court or the superior court or in the probate courts and before a trial justice or a municipal court, shall receive \$2, and before referees, auditors, or commissioners specially appointed to take testimony, or special commissioners on disputed claims appointed by probate courts, \$1.50, or before the county commissioners \$1, for each day's attendance and 6c a mile for each mile's travel going and returning home; but the court in its discretion, may allow at the trial of any cause, civil or criminal, in said supreme judicial court or the superior court, a sum not exceeding \$25 per day for the attendance of any expert witness or witnesses at said trial, in taxing the costs of the prevailing party, except that the expense of all expert witnesses for the state in homicide cases shall be in such amounts as the presiding justice shall allow and shall be paid by the state of Maine and charged against the appropriation for the department of the attorney-general; but such party or his attorney of record, shall first file an affidavit, during the term at which such trial is held, and before the cause is settled, stating the name, residence, number of days in attendance, and the actual amount paid or to be paid each expert witness, in attendance at such trial. And no more than \$2 per day shall be allowed or taxed by the clerk of courts, in the costs of any suit, for the per diem attendance of a witness, unless the affidavit herein provided, is filed, and the per diem is determined and allowed by the presiding justice.'

Effective July 9, 1943

Chapter 64

AN ACT Relating to the Publication of the Maine Reports.

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

R. S., c. 91, § 94, amended. Section 94 of chapter 91 of the revised statutes is hereby amended to read as follows:

'Sec. 94. Duties. The reporter of decisions shall ~~by his personal attendance at law court when practicable or by the best other means in his~~

~~power~~ prepare correct reports of all legal questions argued and decided, reporting cases more or less at large according to his judgment of their importance. He shall publish at least 1 volume yearly, provided he has material enough to make a volume of the size required by this section, and furnish the usual number of current copies to the state and to the public at ~~the~~ a price of ~~three dollars a volume in buckram binding and four dollars a volume in leather binding~~ to be fixed by the governor and council. Each volume shall be of the average size of ~~volume 83~~, Maine Reports, and be equal thereto in paper, printing, general finish, and quantity of printed matter. The reporter may, from time to time, as he sees fit, make a written contract in his own name with any person, firm, or corporation for the printing, publishing, and binding of said reports and shall require such person, firm, or corporation to give a good and sufficient bond with good and sufficient sureties, conditioned for the faithful performance of all the terms and conditions of such contract by the person, firm, or corporation with whom the reporter makes such contract. In case of a breach of any or all of the conditions of such bond, the reporter may maintain an action on such bond in his own name.'

Effective July 9, 1943

Chapter 65

AN ACT Relating to Active Retired Justices of the Supreme Judicial and Superior Courts.

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

R. S., c. 91, § 76, amended. Section 76 of chapter 91 of the revised statutes is hereby amended to read as follows:

'Sec. 76. Active retired justices of supreme judicial and superior courts. Any justice of the supreme judicial court or of the superior court who having attained the age of 70 years and having served as such justice ~~on either or both of said courts~~ for at least 7 consecutive years resigns his said office, or ceases to serve at the expiration of any term thereof, shall be eligible for appointment as an active retired justice of ~~such the court from which he so resigns or ceases to serve~~ as hereinafter provided. The governor with the advice and consent of the council may upon being notified of the retirement of any such justice under the provisions of this section appoint such justice to be an active retired justice of the supreme judicial court or of the superior court as the case may be, for a term of 7 years from such appointment, unless sooner removed, and such justice so appointed and designated shall thereupon constitute a part of the court from which