

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-sixth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with subsection VI of section 26 of chapter 9 of the Revised Statutes of 1944.

KENNEBEC JOURNAL
AUGUSTA, MAINE
1953

PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Ninety-sixth Legislature

1953

the public laws of 1951, is hereby amended by adding at the end thereof a new subsection to be numbered XIV, to read as follows:

'XIV. Passenger automobiles. Passenger automobiles purchased by a non-resident and intended to be driven or transported outside the state immediately upon delivery by the seller.'

Director's note: Reallocated to be subsection XVI.

Effective August 8, 1953

Chapter 419

AN ACT Relating to Issuance of Harness Horse Racing Licenses.

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

R. S., c. 77, § 12, amended. The 1st sentence of the 1st paragraph of section 12 of chapter 77 of the revised statutes, as amended, is hereby further amended to read as follows:

'If the commission is satisfied that all the provisions of this chapter and the rules and regulations prescribed by the commission have been and will be complied with by the person, association or corporation applying for a license, it may issue a license which shall expire on the 31st day of December; ~~but~~ and between the dates of the 1st Monday in August and October 20, ~~no license shall be issued to anyone but an agricultural fair association, except night harness racing as hereinafter defined~~ it may issue a license to an agricultural fair association for a pari mutuel harness meet in connection with its annual fair, ~~but~~ no other person, association or corporation shall be licensed to operate either a day or night pari mutuel harness meet, within the same or any adjoining county, when an agricultural fair association is operating a pari mutuel harness meet at the time of its annual fair, without the consent of said fair association.'

Effective August 8, 1953

Chapter 420

AN ACT Relating to Court Records and Official Court Reporters.

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

Sec. 1. R. S., c. 100, § 59, amended. Section 59 of chapter 100 of the revised statutes is hereby amended to read as follows:

'Sec. 59. Motions to set aside verdicts on report to full court. When a motion is made in the superior court to have a verdict set aside as against law or evidence, a report of the whole evidence shall be signed by the presiding justice or authenticated by the certificate of the official court reporter. When the motion is founded on any alleged cause not shown by the evidence presented at the trial, the testimony in support of the allegations of the motion and in rebuttal or impeachment may be taken out and a report of the same, together with that presented at the trial, shall be signed by the justice or authenticated by the certificate of the official court reporter, and the case shall be marked "Law." When the law court is of the opinion that any such motion is frivolous or intended for delay it may award double or treble costs.'

Sec. 2. R. S., c. 100, § 185, amended. Section 185 of chapter 100 of the revised statutes, as amended, is hereby further amended to read as follows:

'Official Court Reporters

Sec. 185. Official court reporters, their appointment, duties, salary, and expenses. The chief justice of the supreme judicial court may appoint not more than 11 official court reporters to serve for a term of 7 years, who shall report the proceedings in the supreme judicial court and in the superior court and who shall be officials of the court to which they may from time to time be assigned by the chief justice, and be sworn to the faithful discharge of their duties, and each of whom shall receive from the state a salary of \$5,000 per year. They shall take full notes of all oral testimony and other proceedings in the trial of causes, either at law or in equity, including the charge of the justice in all trials before a jury, and all comments and rulings of said justice in the presence of the jury during the progress of the trial, as well as all statements and arguments of counsel addressed to the court, and during the trial furnish for the use of the court or either of the parties a transcript of so much of their notes as the presiding justice may direct. They shall also furnish a transcript of so much of the evidence and other proceedings taken by them as either party to the trial requires, on payment therefor by such party at the rate of 20c for every 100 words. One of said official court reporters designated for the purpose shall perform such clerical services as may be required of him by the chief justice who may allow him reasonable compensation for such clerical services for which he shall be reimbursed.

Official court reporters appointed by the chief justice of the supreme judicial court shall also receive, from the county in which the court or an equity proceeding is held, their expenses when in attendance upon such

court or equity proceeding away from their place of residence, but not otherwise; a detailed statement of such expenses actually and reasonably incurred shall be approved by the presiding or sitting justice.

The chief justice may appoint temporary court reporters to serve at his pleasure, to fulfill the duties of official court reporters whenever it may seem necessary to him in carrying out the functions and duties of the court. While in the performance of their temporary duties, these court reporters shall receive the same compensation as provided by law for, and shall have all the powers and duties of, official court reporters.'

Sec. 3. R. S., c. 100, § 186, amended. Section 186 of chapter 100 of the revised statutes is hereby amended to read as follows:

'Sec. 186. Appointment for hearings in vacation. At any hearing in vacation of a cause in law or equity pending in the supreme judicial court or in the superior court, the presiding justice may, when necessary, appoint a court reporter other than his regularly appointed official court reporter to report the proceedings thereof, who shall receive for his services, from the treasury of the county in which the cause is pending, a sum not exceeding \$10 a day for attendance in addition to actual traveling expenses; but when at such hearings the presiding justice employs his regularly appointed official court reporter, such official court reporter shall receive from said treasury only the amount of his actual expenses incurred in attending the same.'

Sec. 4. R. S., c. 100, § 187, amended. Section 187 of chapter 100 of the revised statutes is hereby amended to read as follows:

'Sec. 187. Authentication of evidence, by official court reporter. In all cases coming before the law court from the supreme judicial court or from the superior court, in which a copy of the evidence is required by statute, rule of court, or order of the presiding justice, a certificate signed by the official court reporter, stating that the report furnished by him is a correct transcript of his stenographic notes of the testimony and proceedings at the trial of the cause, shall be a sufficient authentication thereof without the signature of the presiding justice.'

Sec. 5. R. S., c. 100, § 188, amended. Section 188 of chapter 100 of the revised statutes is hereby amended to read as follows:

'Sec. 188. Upon death or disability of official court reporter, proceedings. When a verdict has been rendered or a decree made in any cause, in law or equity, in the supreme judicial court or in the superior court, and

a certified copy of the evidence taken by the official court reporter cannot be obtained by reason of the death or disability of such reporter, the justice who presided at the trial of such cause may, if a motion for a new trial has been filed during the term at which the verdict was rendered, on petition therefor, after notice and hearing thereon, set aside such verdict and grant a new trial at any time within 1 year after it was returned, when in his opinion the evidence demands it; and exceptions allowed by such justice, when the evidence or any portion thereof is made a part of the exceptions, or an appeal taken from any decree in equity made by him, may be heard and determined by the law court either upon a statement of facts agreed upon by counsel and certified by such justice, or upon a report signed and certified by him as a true report of all the material facts in the case.'

Sec. 6. R. S., c. 100, § 189, amended. Section 189 of chapter 100 of the revised statutes is hereby amended to read as follows:

'Sec. 189. Testimony may be proved by certified copy of notes of former testimony. Whenever it becomes necessary, in any court in the state, to prove the testimony of a witness at the trial of any former case in any court in the state, the certified copy of the notes of such testimony, taken by the official court reporter at the court where said witness testified, is evidence to prove the same.'

Sec. 7. R. S., c. 100, § 190, amended. Section 190 of chapter 100 of the revised statutes is hereby amended to read as follows:

'Sec. 190. Stenographic reports may be taxed in bill of costs. Any amount legally chargeable by official court reporters, for writing out their reports for use in law cases, and actually paid by either party whose duty it is to furnish them, may be taxed in the bill of costs and allowed against the losing party, as is now allowed for copies, if furnished by the clerk.'

Sec. 8. R. S., c. 135, § 31, amended. Section 31 of chapter 135 of the revised statutes is hereby amended to read as follows:

'Sec. 31. Copy of proceedings in murder cases to be filed with clerk of court and in office of secretary of state; expenses; provisions retroactive in certain cases. Whenever any person is convicted of murder, a copy of the indictment, plea, evidence, and charge of the presiding justice, certified by the official court reporter, shall be filed with the clerk of the court where such trial is held. If such court reporter is paid an annual salary, the making and filing of said copy shall be without extra compensation, otherwise

the expense thereof shall be paid by the county; but this section shall not apply to cases where a motion for a new trial is filed and granted, as to the evidence and charge in any trial but the last. A copy of the indictment, plea, evidence and charge of the presiding justice, certified by the official court reporter, shall also be filed in the office of the secretary of state, so that it may be used in any pardon hearing before the governor and council, and the expense thereof shall be paid by the state. The state shall pay the expense of having the evidence and charge transcribed by the official court reporter in any murder cases heretofore tried, where a pardon is sought by one serving a life sentence in the state prison who is unable to pay therefor, if he or she claims to be innocent of the crime, the transcript to be filed in the office of the secretary of state for use as above provided.'

Effective August 8, 1953

Chapter 421

AN ACT Authorizing Towns to Issue Revenue Bonds for Public Improvement.

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

R. S., c. 80, §§ 126-A - 126-J, additional. Chapter 80 of the revised statutes is hereby amended by adding thereto 10 new sections, to be numbered 126-A to 126-J, inclusive, to read as follows:

'Revenue Bonds

Sec. 126-A. Power to issue revenue bonds. Any city or town shall have the power to issue and sell revenue bonds for the purchase, acquisition, construction, improvement, extension or repair of any revenue producing public improvement.

Sec. 126-B. Definitions. As used in sections 126-A to 126-I, inclusive, the term "revenue producing public improvement" shall mean any water supply or distribution system, any sewerage system or sewage disposal facility, or any facility for the parking of automobiles, from which revenues are received by the city or town in connection with the operation or use thereof.

The term "revenue bonds" shall mean bonds secured solely by the pledge of the whole or part of the revenue from any rent, toll or charge for the use or services of such revenue producing public improvement.