

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985
Chapters 384-End

AND AT THE

FIRST SPECIAL SESSION

November 13, 1985

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine
1985

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
FIRST REGULAR SESSION
CONTINUED
and
FIRST SPECIAL SESSION
of the
ONE HUNDRED AND TWELFTH LEGISLATURE
1985

CHAPTER 384

S.P. 277 - L.D. 735

AN ACT to Clarify Recoverable Costs in Civil Actions.

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

Sec. 1. 4 MRSA §174, as amended by PL 1975, c. 770, §13, is repealed.

Sec. 2. 14 MRSA §1502 is repealed.

Sec. 3. 14 MRSA §1502-A, as enacted by PL 1969, §304, is repealed.

Sec. 4. 14 MRSA §§1502-B, 1502-C and 1502-D are enacted to read:

§1502-B. Recoverable costs

The following costs shall be allowed to prevailing parties in civil actions unless the court otherwise specifically directs:

1. Filing fees. Filing fees paid to the clerk;
2. Fees for service of process. Fees paid for service of process and other documents served by a sheriff, deputy, constable or others authorized by law;
3. Attendance fees and travel costs paid to witnesses. Attendance fees and travel costs of witnesses as allowed by Title 16, section 251 or other laws;
4. Travel expenses. Reasonable expenses of travel within the State to the place of trial for the prevailing party or his attorney of record, as provided by rule of the Supreme Judicial Court, or as directed by court, in the absence of that rule; and
5. Other costs. Such other costs as the Supreme Judicial Court may direct by rule.

§1502-C. Discretionary costs

In addition to other costs allowed to the prevailing party, the court may include as costs, in

such amounts as it considers just and reasonable, any of the following items:

1. Reasonable expert witness fees and expenses. Expert witness fees and expenses, as allowed by Title 16, section 251;

2. Cost of medical reports. The cost of reasonable medical reports, not including costs of the examination or treatment of a patient, which are prepared for the purpose of litigation and which are exchanged by the parties;

3. Visual aids. The reasonable costs of charts, diagrams, photographs and other visual aids necessary for clear understanding of the case by the court or jury not to exceed \$500;

4. Costs of depositions. Costs in the taking of depositions as allowed by rule of the Supreme Judicial Court or by other law; and

5. Other costs. Such other costs as the Supreme Judicial Court may allow by rule.

§1503-D. Taxing of costs; hearing

The prevailing party or his attorney shall submit a bill of costs to the court not later than 10 days after entry of judgment and serve copies on all parties required to pay these costs. Any party required to pay all or any part of these costs may, within 10 days after the date of service, challenge any items of cost and request review by the court. The prevailing party shall, within 10 days after such a challenge, submit to the court any vouchers or other records verifying any challenged items of cost. Either side may request oral argument and submit affidavits and briefs. Any evidentiary hearing on the reasonableness of costs will be held only when the judge determines that there exists a substantial need for the hearing and the amount of challenged costs are substantial. If the presiding judge determines that the imposition of costs will cause a significant financial hardship to any party, he may waive all or part of the costs with respect to that part.

Sec. 5. 14 MRSA §1519 is repealed.

Sec. 6. 16 MRSA §251, as amended by PL 1983, c. 538, §1 is further amended to read:

§251. Fees of witnesses

Witnesses, other than members of the State Police or municipal police officers law enforcement officers testifying in their official capacity, in the Supreme Judicial Court, the Superior Court, the District Court or in the Probate Court, unless the court shall otherwise order, shall receive \$10, and before referees, auditors or commissioners specially appointed to take testimony or special commissioners on disputed claims appointed by Probate Courts, \$10, or before the county commissioners, \$10 for each day's attendance and 22% a mile for each mile's travel going and returning home. The court in its discretion may allow at the trial of any cause, civil or criminal, in said the Supreme Judicial Court ~~or~~, the Superior Court or the District Court, a reasonable sum for each day's attendance of any expert witness or witnesses at said the trial, in taxing the costs of the prevailing party, and the expense of all expert witnesses for the State in murder cases shall be paid by the State and charged against the appropriation for the Department of the Attorney General. Such party or his attorney of record shall first file an affidavit within 30 days after entry of judgment 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. No more than \$10 per day ~~shall~~ may be allowed or taxed by the clerk of courts in the costs of any civil action for the per diem attendance of a witness, unless the affidavit is filed, and the per diem is determined and allowed by the presiding justice.

Effective September 19, 1985.

CHAPTER 385

H.P. 925 - L.D. 1327

**AN ACT Relating to a Grievance Procedure
Concerning Discrimination on the Basis
of Handicap.**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, federal law requires that recipients of certain federal funds adopt a grievance procedure for people alleging discrimination on the basis of handicap, which is prohibited by United States Code, Title 29, Section 794; and