

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1961 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 3

Discard Previous Pocket Part Supplement

THE MICHIE COMPANY
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of any or all of the conditions of such bond, the reporter may maintain an action on such bond in his own name. In the exercise of any discretionary powers vested in him by this section or by section 15 of chapter 103, the reporter of decisions shall act in accordance with such instructions or advice as may be given to him by the chief justice of the supreme judicial court. (R. S. c. 92, § 2. 1951, c. 57, § 1. 1955, c. 175, § 1. 1957, c. 347, § 1.)

Effect of amendments. — The 1955 amendment inserted in the second sentence the reference to periodic advance sheets and the words "of Maine Reports." It also deleted the words "the usual number of" formerly appearing before the words "current copies." The 1957 amendment inserted the fourth sentence of this section.

Sec. 4. Repealed by Public Laws 1955, c. 175, § 2.

Sec. 5. Reimbursement for expenses.—The reporter shall be reimbursed by the state for charges actually and reasonably incurred by him for clerk hire, stationery, postage, expressage and incidental expenses, to the extent that such charges exceed the amounts he is entitled to retain out of profits to pay the same pursuant to the provisions of section 3, but such reimbursement by the state shall not exceed \$2,000 in any one year. (1951, c. 400. 1957, c. 347, § 2.)

Effect of amendment. — The 1957 amendment increased the maximum reimbursement from \$1,500 to \$2,000.

Chapter 105.

Board of Bar Examiners. Attorneys at Law.

Sections 25-29. Central Register of Attorneys

Admission to Practice Law.

Sec. 2. Outside attorneys to practice after 6 months residence; fee.

Any such applicant, when making application for such certificate of good moral character and of fitness to practice law, shall pay to the board a fee of \$150, all or any part of which may be used by said board to defray the expense of investigation of such applicant.

(1961, c. 157.)

Effect of amendment.—The 1961 amendment increased the fee in the second paragraph from \$100 to \$150.

As the rest of the section was not affected by the amendment, only the second paragraph is set out.

Sec. 8. Persons not admitted forbidden to practice law; cannot recover pay for services. — Unless duly admitted to the bar of this state, no person shall practice law or any branch thereof, or hold himself out to practice law or any branch thereof, within the state or before any court therein, or demand or receive any remuneration for such services rendered in this state. Whoever, not being duly admitted to the bar of this state, shall practice law or any branch thereof, or hold himself out to practice law or any branch thereof, within the state or before any court therein, or demand or receive any remuneration for such services rendered in this state, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 3 months, or by both such fine and imprisonment. The word "person" as used herein shall include a body corporate. This section shall not be construed to apply to practice before any federal court by any person duly admitted to practice therein nor to a person pleading or managing his own cause in court. The supreme judicial court and the superior court shall have concurrent jurisdiction, upon petition of 3 or more members of any bar association within the state or of the attorney general, to restrain vio-

lations of this section. In all proceedings under the provisions of this section, the fact, as shown by the records of the clerk of courts in the county in which a person resides, that such person is not recorded as a member of the bar in such county shall be prima facie evidence that he is not a member of the bar licensed to practice law in the state. The supreme judicial court or any justice thereof, shall have the power to issue a rule requiring any person alleged to have violated any of the provisions of this section to appear on a day fixed and show cause why he should not be adjudged in contempt, and abide the order of such court or justice in the premises, which order shall be served by a copy in hand at least 5 days before the return day. In the event that such court or justice finds said person guilty of violating any of the provisions of this section, the person so adjudged shall be punished by a fine of not more than \$500 or by imprisonment for not more than 3 months, or by both such fine and imprisonment. This power vesting authority in the supreme court, or any member thereof, to punish for contempt is not to supersede any of the other provisions of this section but is in addition to any other remedy provided herein. (R. S. c. 93, § 7. 1961, c. 323, § 323.)

Effect of amendment.—The 1961 amendment deleted “in equity” following “jurisdiction” in the fifth sentence of this section, deleted “in term time or vacation” following

“justice thereof” in the seventh sentence and made other minor changes in the fifth and sixth sentences.

Summary Proceedings for Payment of Collections.

Sec. 10. Summary proceedings against attorney failing to pay money collected.—If an attorney at law receives money or any valuable thing on a claim left with him for collection or settlement and fails to account for and pay over the same to the claimant for 10 days after demand, he is guilty of a breach of duty as an attorney. Such claimant may file in the office of the clerk of the superior court in the county where such attorney resides, a motion in writing under oath setting forth the facts. Thereupon any justice of the superior court shall issue an order requiring the attorney to appear on a day fixed and show cause why he should not so account and pay, and to abide the order of such justice in the premises; which shall be served by copy in hand at least 5 days before the return day. (R. S. c. 93, § 9. 1961, c. 317, § 324.)

Effect of amendment.—The 1961 amendment divided this section into three sentences and substituted “shall issue an or-

der” for “in term time or in vacation shall issue a rule” in the present third sentence.

Sec. 12. Appeal.—Either party may appeal from any ruling or decree of such justice to the law court as in any civil action. (R. S. c. 93, § 11. 1961, c. 317, § 325.)

Effect of amendment.—The 1961 amendment rewrote this section.

Removal of Unworthy Attorneys and Resignation of Attorneys.

Sec. 24. Management of causes by parties or counsel.—Parties may plead and manage their own causes in court or do so by the aid of such counsel as they see fit to employ; but no person whose name has been struck from the roll of attorneys for misconduct shall plead or manage causes in court under a power of attorney for any other party or be eligible for appointment as a trial justice or justice of the peace. (R. S. c. 93, § 23. 1959, c. 40.)

Effect of amendment.—The 1959 amendment struck out the words “not exceeding 2 on a side,” formerly appearing after the

word “counsel” in the first clause of this section.

Central Register of Attorneys.

Sec. 25. Central register of attorneys.—It shall be the duty of the secretary of state to establish and maintain a central register of all persons who have been duly admitted as members of the bar in this state. (1955, c. 446.)

Sec. 26. Preparation.—Said list shall be prepared from information furnished to the secretary of state by the clerk of courts from the several counties, each of whom shall within 3 months after the effective date of sections 25 to 29, inclusive, prepare in writing, certify and mail to the office of the secretary of state, a full, true and complete list of all members of the bar now living who have been admitted in their respective counties. (1955, c. 446.)

Sec. 27. Revision.—It shall likewise be the duty of the clerk of court in each of the several counties to furnish to the secretary of state by registered mail a written certificate setting forth any and all additions to the aforesaid list of members of the bar from his county as well as all deletions by reason of death, resignation, disbarment, suspension or otherwise, and all reinstatements or readmissions not otherwise reported to the secretary of state as and when they occur and thereupon it shall become the duty of the secretary of state, forthwith upon receipt of each amendatory certificate, to revise the central register of attorneys accordingly, to the end that said register may be perpetually maintained with current corrections from each county. A list of persons admitted each year together with the date and place of taking the oath and the date of admission shall be supplied annually to the secretary of the board of bar examiners by the secretary of state. (1955, c. 446.)

Sec. 28. Register as evidence.—If and whenever in any proceeding before any court of civil or criminal jurisdiction within the state of Maine, it becomes an issue as to whether or not any individual is or is not duly admitted to practice law as a member of the bar in the state of Maine, the certificate of the secretary of state as to whether or not his name then appears upon the said central roll or register of attorneys shall be prima facie evidence of the fact. (1955, c. 446.)

Sec. 29. Certificates.—It shall be the duty of the secretary of state upon payment of a fee of \$5 to furnish his certificate in respect of any individual as to whether he is or is not recorded as a member of the bar on the said central register except that such certificate shall be furnished without charge to the attorney general, his deputies and assistants and the county attorneys of the several counties for use in connection with their public duties. (1955, c. 446.)

Chapter 106.**Superior Court.****Superior Court; Constitution, General Jurisdiction and Powers.**

Sec. 2. Salary; expenses.—Each of the justices of the superior court shall receive an annual salary of \$13,500. Chapter 103, section 4, relating to reimbursement of justices of the supreme judicial court for expenses incurred by them shall apply to justices of the superior court, including reimbursement for expenses incurred in employing clerical assistance but which in the aggregate shall not exceed a total sum of \$4,000 per year for all such clerical assistance. (R. S. c. 94, § 2, 1945, c. 331, § 2, 1951, c. 403, § 2, 1955, c. 472, § 2, 1957, c. 417, § 2, 1959, c. 364, § 1; c. 370, § 2; c. 378, § 68.)

Effect of amendments.— The 1955 amendment increased the annual salary of justices of the superior court from \$10,500 to \$11,500.