

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1961 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

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THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
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Chapter 116.

Jury Commissioners. Jurors.

Sec. 2. Salaries of jury commissioners.—The jury commissioners for the several counties shall each receive for their services the following sums per year, and expenses: Androscoggin, \$150; Aroostook, \$100; Cumberland, \$250; Franklin, \$75; Hancock, \$75; Kennebec, \$100; Knox, \$75; Lincoln, \$50; Oxford, \$75; Penobscot, \$100; Piscataquis, \$50; Sagadahoc, \$75; Somerset, \$75; Waldo, \$75; Washington, \$75; York, \$100.

Said salaries shall be paid by the respective counties in quarterly payments on the last day of each quarter, and their expense shall be paid from time to time by the respective counties on bills approved by a justice of the superior court. (R. S. c. 103, § 7. 1959, c. 181.)

Effect of amendment.—The 1959 amendment increased the compensation in all of the counties except Kennebec, Lincoln, Penobscot and Piscataquis.

Sec. 4. Preparation of lists of persons qualified to serve as jurors.

The commissioners may add names to such list as often as may be necessary to maintain the number herein provided. They may also drop from the list names of persons who, by reason of age, infirmity, death or other disability, could not reasonably be expected to serve as jurors if called, and shall drop therefrom names of persons engaged in the unlawful traffic in intoxicating liquors or who are known to be habitually addicted to the use of intoxicating liquors or who have been convicted of any scandalous crime or gross immorality. No person shall be qualified or selected for traverse jury service who has served as such at any term of the superior court in his county held within 3 years next preceding the reselection of said person by the jury commissioners. (R. S. c. 103, § 2. 1957, c. 248. 1959, c. 13.)

Effect of amendments. — The 1957 amendment added the last sentence of the last paragraph.

The 1959 amendment added in the last sentence "traverse" before "jury service"

and "in his county" after "superior court."

As the rest of the section was not changed by the amendments, only the last paragraph is set out.

Sec. 5. Selection.—On receipt of written or verbal notice from the clerk or deputy clerk of courts of their respective counties designating the number of jurors required and date on which they are to report for duty, said commissioners shall forthwith select, by such method as will give a fair and just distribution according to population, a sufficient number of persons to perform jury service at the prospective term. Such selection shall be made with reasonable allowances for supernumeraries and for unforeseen causes of inability to attend. Summonses for those so elected shall be prepared by said commissioners and mailed by registered mail, postage prepaid, to each person selected at his regular place of abode. A returned registered receipt shall be sufficient evidence that the person or persons so selected have received the above-named summons. Additional jurors may be drawn and summoned at any time during a term of court by direction of the presiding justice, and they may be summoned to attend in a manner and at such time as the court may direct. When, by reason of challenge or other cause, a sufficient number of jurors duly drawn and summoned cannot be obtained for the trial of a cause, the court shall cause jurors to be returned from the bystanders or from the county at large to complete the panel. Such jurors shall be returned by the sheriff or his deputy or such other disinterested person as the court appoints. Grand jurors shall be selected in like manner prior to the first term of the superior court to be held for the transaction of criminal business on or after the 1st day of September annually, and grand jurors shall serve at each criminal term during the year. When the number of grand jurors

is reduced by death or otherwise, additional grand jurors may be selected and summoned under direction of the court at any time. (R. S. c. 103, § 3. 1955, c. 405, § 51. 1961, c. 16.)

Effect of amendments.—The 1955 amendment repealed and replaced the third, fourth and fifth sentences of this section. so as to correct a typographical error in the original.

The 1961 amendment eliminated “in like manner” following “may” near the beginning of the fifth sentence and added “in a manner and” near the end of that sentence.

Sec. 8. Fees.—Grand and traverse jurors attending the superior court and jurors attending on any other occasion prescribed by law shall be allowed \$12 for each day’s actual attendance, and 10¢ a mile for their travel out and home once each week, to be paid out of the county treasury. (R. S. c. 103, § 6. 1945, c. 193. 1953, c. 148. 1955, c. 412, § 1. 1961, c. 232.)

Effect of amendments.—The 1953 amendment, which was made effective June 1, 1956, increased the fees from \$8 to \$10 a day and from 8¢ to 10¢ a mile and inserted

the words “once each week” near the end of the section.

The 1961 amendment increased the fees from \$10 to \$12 a day.

Chapter 117.

Depositions.

Depositions in General.

Sec. 1. When depositions used.—In trials before probate courts, arbitrators, referees under chapter 121, and county commissioners, depositions may, upon order of the tribunal before which the matter is pending and on good cause shown, be taken and used in the manner provided by rule for depositions in the superior court. Depositions or affidavits may also be taken in applications for pensions, bounties or arrears of pay under any law of the United States. (R. S. c. 104, § 1. 1959, c. 317, § 251.)

Effect of amendment.—The 1959 amendment rewrote this section.

Effective date and applicability of Public Laws 1959, c. 317.—Section 420, chapter 317, Public Laws 1959, provides as follows: “This act shall become effective December 1, 1959. It shall apply to all actions brought after December 1, 1959 and also to all fur-

ther proceedings in actions at law or suits in equity then pending, except to the extent that in the opinion of the court the application of this act in a particular action pending on December 1, 1959 would not be feasible or would work injustice, in which event the laws in effect prior to December 1, 1959 would prevail.”

Secs. 2-21. Repealed by Public Laws 1959, c. 317, § 252.

Effective date and applicability of Public Laws 1959, c. 317.—See note to § 1.

Depositions in Perpetuum.

Secs. 22, 23. Repealed by Public Laws 1959, c. 317, § 252.

Effective date of Public Laws 1959, c. 317.—See note to § 1.

Sec. 24. Record in registry of deeds.— Any deposition to perpetuate testimony taken before action or pending appeal together with the verified petition therefor and certificate of the officer before whom it was taken shall, within 90 days after the taking, be recorded in the registry of deeds in the county where the land or any part of it lies, if the deposition relates to real estate; if not, in the county where the parties or any of them reside. (R. S. c. 104, § 24. 1959, c. 317, § 253.)

Effect of amendment.—The 1959 amendment rewrote this section.

Effective date and applicability of Public Laws 1959, c. 317.—See note to § 1.