

MAINE STATE LEGISLATURE

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CHAPTER 15

REPORTERS OF DECISIONS AND TESTIMONY

Subch.	Sec.
I. Reporters in the Supreme and Superior Courts	651
II. Reporter of the Law Court	701
III. Reporters and Transcripts in Probate Court	751

SUBCHAPTER I

REPORTERS IN THE SUPREME AND SUPERIOR
COURTS

- Sec.
651. Appointment and duties; salary and expenses.
652. Appointment for hearings in vacation.
653. Authentication of evidence.
654. Death or disability.
655. Testimony proved by certified copy of notes of former testimony.
656. Stenographic reports taxed in bill of costs.

§ 651. Appointment and 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 \$8,500 per year. They shall take full notes of all oral testimony and other proceedings in the trial of civil actions, 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 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 26¢ 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 receive, from the county in which the court or proceeding is held, their expenses when in attendance upon such court or 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.

At the request of the President of the Senate and the Speaker of the House of Representatives, the Chief Justice of the Supreme Judicial Court may grant a leave of absence without pay for not more than 5 months to no more than 2 such Official Court Reporters for legislative reporting. Such compensation as may be provided for Official Court Reporters assigned for legislative reporting shall not be less than the salary provided for services as Official Court Reporters.

R.S.1954, c. 113, § 188; 1955, c. 480, § 1; 1957, c. 380, § 1; 1959, c. 368; 1961, c. 281, § 1; c. 317, §§ 386, 387; 1963, c. 392.

§ 652. Appointment for hearings in vacation

At any hearing in vacation of a civil action 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 civil action 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.

R.S.1954, c. 113, § 189; 1961, c. 317, § 388.

§ 653. Authentication of evidence

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.

R.S.1954, c. 113, § 190.

§ 654. Death or disability

When in any criminal case any material part of a transcript of the evidence taken by the Official Court Reporter cannot be obtained because of his death or disability, the justice who presided at the trial of the case shall on motion, after notice and hearing, if it is evident that the lack of such transcript prejudices the respondent in prosecuting his exceptions or appeal, set aside any verdict rendered in the case and grant a new trial at any time within one year after it was returned.

R.S.1954, c. 113, § 191; 1961, c. 317, § 389.

§ 655. Testimony 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.

R.S.1954, c. 113, § 192.

§ 656. Stenographic reports taxed in bill of costs

Any amount legally chargeable by Official Court Reporters for writing out their reports for use in civil actions 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.

R.S.1954, c. 113, § 193; 1961, c. 317, § 390.

SUBCHAPTER II

REPORTER OF THE LAW COURT

Sec.

- 701. Appointment and tenure; salary.
- 702. Duties.
- 703. Copyright of reports.
- 704. Reimbursement for expenses.

§ 701. Appointment and tenure; salary

The Governor with the advice and consent of the Council shall, in case of a vacancy, appoint a person learned in the law to be Reporter of the Decisions of the law court, who shall hold his office during the pleasure of the executive. He shall receive an annual salary of \$2,500.

R.S.1954, c. 104, § 1.

§ 702. Duties

The Reporter of Decisions shall 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 periodic advance sheets and at least one volume of Maine Reports yearly, provided he has material enough to make a volume of the size required by this section, and furnish current copies to the State and to the public at a price to be fixed by the Governor and Council. Each volume shall be of the average size of Maine Reports, and be equal thereto in paper, printing, general finish and quantity of printed matter. Upon receipt of an opinion from the law court the reporter shall prepare a concise abstract thereof in the form of a letter to be immediately distributed to members of the court and such others as the Chief Justice may direct. 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. In the exercise of any discretionary powers vested in him by this section or by

section 57, 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.1954, c. 104, § 2; 1955, c. 175, § 1; 1957, c. 347, § 1.

§ 703. Copyright of reports

Each volume of said reports shall be entered by the Secretary of State with the Librarian of Congress and copyrighted in the name of the State of Maine, and the manuscript and copyright thereof shall belong to the State. All profits arising from the publication and sale of said reports and advanced sheets thereof received by said reporter, except as otherwise provided, shall be accounted for and paid over by him to the Treasurer of State on the first Monday in December in each year. The reporter may retain out of said profits received by him the sum of \$500 on account of each volume of reports published by him for clerk hire, stationery, postage, expressage and incidental expenses. At the expiration of his term of office, all the official duties of the reporter shall cease, and he shall turn over and deliver to his successor all unpublished cases in his hands, and shall assign and transfer to his successor any contract and bond he then may have relating to a volume not then completed or commenced. Such successor's rights in and under such contract and bond shall be the same as though he had originally made the contract and taken the bond.

R.S.1954, c. 104, § 3.

§ 704. 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, but such reimbursement by the State shall not exceed \$3,000 in any one year.

R.S.1954, c. 104, § 5; 1957, c. 347, § 2; 1963, c. 376.

SUBCHAPTER III

REPORTERS AND TRANSCRIPTS IN PROBATE COURT

Sec.

- 751. Duties of reporters.
- 752. Reading and signing transcript of testimony.
- 753. Copies of transcript as evidence.
- 754. Correction of mistakes in transcript.
- 755. Appointment of reporter by judge.
- 756. Transcripts deemed original papers.

§ 751. Duties of reporters

The judge of any court of probate or court of insolvency may appoint a reporter to report the proceedings at any hearing or examination in his court, whenever such judge deems it necessary or advisable. Such reporter shall be sworn to a faithful discharge of his duty and, under the direction of the judge, shall take full notes of all oral testimony at such hearing or examination and such other proceedings at such hearing or examination as the judge directs; and when required by the judge shall furnish for the files of the court a correct typewritten transcript of his notes of the oral testimony of any person testifying at such hearing or submitting to such examination, and in making said transcript the reporter shall transcribe his said notes in full by questions and answers.

R.S.1954, c. 153, § 10; 1961, c. 281, § 3.

§ 752. Reading and signing transcript of testimony

In cases where the person testifying or submitting to examination is required by law to sign his testimony or examination, the transcript made as provided in section 751 shall be read to the person whose testimony or examination it is, at a time and place to be appointed by the judge, unless such person or his counsel in writing waives such reading. If it is found to be accurate, or if it contains errors or mistakes or alleged errors or mistakes and such errors or mistakes are either corrected or the proceedings had in relation to the same as provided, such transcript shall be signed by the person whose testimony or examination it is. When the reading of a transcript is waived as provided by this section, such transcript shall be deemed correct. In all other cases the transcript need not be signed but shall be

deemed to be complete and correct without signing and shall have the same effect as if signed.

R.S.1954, c. 153, § 11.

§ 753. Copies of transcript as evidence

Whenever it becomes necessary in any court in the State to prove the testimony or examination taken as provided in sections 751 and 752, the certified copy of the transcript of such testimony or examination taken by such stenographer is evidence to prove the same.

R.S.1954, c. 153, § 12.

§ 754. Correction of mistakes in transcript

Manifest errors or mistakes in any transcript may be corrected, under the direction of the judge, according to the facts. When an error or mistake is alleged by the party conducting the hearing or examination or by his counsel, or by the person testifying or submitting to examination or by his counsel, and said parties cannot agree whether or not there is such an error or mistake as alleged, or what correction should be made, the judge shall decide whether or not such an error or mistake exists, and may allow or disallow a correction according as he may find the fact. In such case the judge shall annex to the transcript a certificate signed by him stating the alleged error or mistake and by whom alleged, and the correction allowed or disallowed. In case the said parties mutually agree that there is an error or mistake in the transcript, and in like manner agree what the correction should be, the transcript may be corrected according to such agreement, but such correction shall be stated and made in the presence of the judge. No changes or alterations shall be made in any transcript except in the presence of the judge or the person appointed by the judge to take the examination.

R.S.1954, c. 153, § 13.

§ 755. Appointment of reporter by judge

When an examination is taken before some person appointed by the judge to take it, the judge may appoint a reporter to attend such examination for the purposes mentioned in section 751, and the duties of such reporter shall be the same as in examinations before the judge. The powers and duties of any person appointed by the judge to take an examination shall be the same at such

examination as those of the judge, and the same proceedings for the correction or alteration of transcripts may be had before such person as before the judge.

R.S.1954, c. 153, § 14; 1963, c. 414, § 145.

§ 756. Transcripts deemed original papers

All transcripts made and signed as provided shall be deemed original papers.

R.S.1954, c. 153, § 15.