

## CHAPTER 311

### TAXATION OF COSTS

#### §1501. Prevailing party

In all actions, the party prevailing recovers costs unless otherwise specially provided. If, after a verdict, the party in whose favor the jury found carries the case into the law court and the decision there is against him, he recovers no costs after the verdict but the party prevailing in the law court recovers costs accruing after verdict.

#### §1502. Parties and attorneys

**(REPEALED)**

SECTION HISTORY

PL 1985, c. 384, §2 (RP).

#### §1502-A. Trial costs

**(REPEALED)**

SECTION HISTORY

PL 1969, c. 304 (NEW). PL 1985, c. 384, §3 (RP).

#### §1502-B. Recoverable costs

The following costs shall be allowed to prevailing parties in civil actions unless the court otherwise specifically directs: [PL 1985, c. 384, §4 (NEW).]

- 1. Filing fees.** Filing fees paid to the clerk;  
[PL 1985, c. 384, §4 (NEW).]
- 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;  
[PL 1985, c. 384, §4 (NEW).]
- 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;  
[PL 1985, c. 384, §4 (NEW).]
- 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  
[PL 1985, c. 384, §4 (NEW).]
- 5. Other costs.** Such other costs as the Supreme Judicial Court may direct by rule.  
[PL 1985, c. 384, §4 (NEW).]

SECTION HISTORY

PL 1985, c. 384, §4 (NEW).

#### §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: [PL 1985, c. 384, §4 (NEW).]

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

[PL 1985, c. 384, §4 (NEW).]

**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;

[PL 1985, c. 384, §4 (NEW).]

**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;

[PL 1985, c. 384, §4 (NEW).]

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

[PL 1985, c. 384, §4 (NEW).]

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

[PL 1985, c. 384, §4 (NEW).]

#### SECTION HISTORY

PL 1985, c. 384, §4 (NEW).

#### **§1502-D. Taxing of costs; hearing**

#### **(REALLOCATED FROM TITLE 14, SECTION 1503-D)**

The clerk shall set costs under section 1502-B and interest under section 1602-B to the extent they appear from the record. The prevailing party or the prevailing party's attorney may submit a bill of costs for all other costs or interest to the court not later than 10 days after entry of judgment and serve copies on all parties who have appeared and may be required to pay these costs. Any party required to pay all or any part of these costs, except a party who is defaulted and has not appeared, may, within 10 days after the date of service, challenge any items of cost or interest and request review by the court. The prevailing party shall, within 10 days after a challenge, submit to the court any vouchers or other records verifying any challenged items of cost or interest. Either side may request oral argument and submit affidavits and briefs. An evidentiary hearing on the reasonableness of costs or interest will be held only when the judge determines that there exists a substantial need for the hearing and the amount of challenged costs or interest are substantial. If the presiding judge determines that the imposition of costs will cause a significant financial hardship to any party, the judge may waive all or part of the costs with respect to that party. [PL 2003, c. 460, §3 (AMD).]

#### SECTION HISTORY

PL 1985, c. 737, §A36 (RAL). PL 1989, c. 360 (AMD). PL 2003, c. 460, §3 (AMD).

#### **§1503. Appeals in condemnation proceedings**

In all proceedings for the estimation of damages for the taking of lands or other property under any general or special law, if the owner of the land, after an award made by the county commissioners, enters an appeal therefrom and fails to obtain a final judgment for an amount greater than the amount of the said award with interest thereon to the date of said judgment, he shall be subject to costs accruing after the date of said first award and the amount thereof may be applied in reduction of the sum required to be paid by said judgment.

#### **§1503-D. Taxing of costs; hearing**

#### **(REALLOCATED TO TITLE 14, SECTION 1502-D)**

#### SECTION HISTORY

PL 1985, c. 384, §4 (NEW). PL 1985, c. 737, §A36 (RAL).

#### **§1504. Plaintiff appealing favorable judgment**

When a plaintiff appeals from a judgment of a District Court in his favor and does not recover in the appellate court a greater sum as damages, he recovers only a quarter of the sum last recovered for costs.

**§1505. Replevin actions**

In actions of replevin commenced in the Superior Court, when the jury finds that each party owned a part of the property, they shall find and state in their verdict the value of the part owned by the plaintiff when replevied without regard to the value as estimated in the replevin bond. If such value does not exceed \$20, the plaintiff recovers for costs only 1/4 part of such value.

**§1506. Improper action in Superior Court, 1/4 costs; report of referees, full costs allowed**

In actions commenced in the Superior Court, except those by or against towns for the support of paupers, if it appears on the rendition of judgment that the action should have been commenced before a District Court, including actions of replevin where the value of the property does not exceed \$20, the plaintiff recovers for costs only 1/4 part of his debt or damages. On reports of referees, full costs may be allowed unless the report otherwise provides.

**§1507. Damages reduced by counterclaim, full costs**

When a counterclaim is filed and the plaintiff recovers not exceeding \$20, he is entitled to full costs if the jury certify in their verdict that the damages were reduced to that sum by reason of the amount allowed on the counterclaim.

**§1508. Costs of evidence not increased by multiple damages**

When a party recovers double or treble costs, the fees of witnesses, depositions, copies and other evidence are not doubled or trebled.

**§1509. Petitions for relief**

On application of a private person for relief from a judgment or for relief in the nature of certiorari, mandamus or quo warranto, or like process, the court may or may not allow costs to a person appearing on notice as defendant. [PL 1967, c. 441, §5 (AMD).]

**SECTION HISTORY**

PL 1967, c. 441, §5 (AMD).

**§1510. Plaintiff's action dismissed; costs to defendant**

When a plaintiff's action is voluntarily or involuntarily dismissed, the defendant recovers costs against him, and in all actions, as well as those of qui tam as others, the party prevailing is entitled to his legal costs.

**§1511. Action in name of State by individual**

When an action is brought in the name of the State for the benefit of a private person, his name and place of residence shall be indorsed on the summons. If the defendant prevails, judgment for his costs shall be rendered against such person and execution issued as if he were plaintiff.

**§1512. State liable in civil action**

When a defendant prevails against the State in a civil action, judgment for his costs shall be rendered against it and the treasurer of the county shall pay the amount on a certified copy of the judgment. The amount shall be allowed to him in his account with the State.

**§1513. Travel fees not taxable for State**

When the State recovers costs in a civil action no fees shall be taxed for the travel of an attorney.

**§1514. Divers actions or division of account only one bill of costs**

When a plaintiff brings divers actions which might have been joined in one against the same party and which are first in order for trial at the same term of court, or divides an account which might all have been sued for in one action and commences successive actions upon parts of the same or brings more than one action on a joint and several contract, he shall not recover costs nor have execution running against the body of the same defendant, in more than one such action, unless the court, after notice to the defendant and hearing, shall otherwise direct.

**§1515. If execution available, no costs in action on judgment**

A plaintiff shall not be allowed costs in an action on a judgment of any tribunal on which an execution could issue when such action was commenced, except in trustee process.

**§1516. Travel in actions by a corporation**

In actions of a corporation, its travel is computed from the place where it is situated, if local, otherwise from the place where its business is usually transacted, not exceeding 40 miles, unless its agent actually travels a greater distance to attend court.

**§1517. Power of court**

The power of the court to require payment of costs or to refuse them as the condition of amendment or continuance is not affected by this Title.

**§1518. Plea of bankruptcy; no costs**

When a defendant pleads a discharge in bankruptcy or insolvency obtained after the commencement of the action, he recovers no costs before the time when the certificate was produced in court.

**§1519. Hearing on costs; appeals**

**(REPEALED)**

SECTION HISTORY

PL 1985, c. 384, §5 (RP).

**§1520. Costs for creditor where debtor not discharged**

**(REPEALED)**

SECTION HISTORY

PL 1971, c. 408, §6 (RP).

**§1521. Disclosure proceedings**

**(REPEALED)**

SECTION HISTORY

PL 1971, c. 408, §6 (RP).

**§1522. Litigation costs**

**1. Costs allowed.** In any action or proceeding brought by the Attorney General pursuant to any of the provisions listed below or to enforce any of the provisions listed below, the court shall allow litigation costs, including court costs, reasonable attorney's fees and reasonable expert witness fees, to be deposited in the General Fund of the State if the State or any of its officers or agencies is a prevailing party in the action or proceeding:

- A. Title 5, section 209; [PL 1991, c. 9, Pt. G, §2 (NEW).]
- B. Title 5, section 4681; [PL 1991, c. 9, Pt. G, §2 (NEW).]
- C. Title 10, section 1104, subsection 2; [PL 1991, c. 9, Pt. G, §2 (NEW).]

- D. Title 10, section 1104, subsection 3; [PL 1991, c. 9, Pt. G, §2 (NEW).]
- E. Title 26, section 46; [PL 1991, c. 9, Pt. G, §2 (NEW).]
- F. Title 26, section 354; [PL 1991, c. 9, Pt. G, §2 (NEW).]
- G. Title 26, section 625-B; [PL 1991, c. 9, Pt. G, §2 (NEW).]
- H. Title 26, section 626; [PL 1991, c. 9, Pt. G, §2 (NEW).]
- I. Title 26, section 629-B; [PL 1991, c. 9, Pt. G, §2 (NEW).]
- J. Title 26, section 631; [PL 1991, c. 9, Pt. G, §2 (NEW).]
- K. Title 26, section 781; [PL 1991, c. 9, Pt. G, §2 (NEW).]
- L. Title 32, section 16603; [PL 2005, c. 65, Pt. C, §8 (AMD).]
- M. Title 32, section 11301; [PL 1991, c. 9, Pt. G, §2 (NEW).]
- N. Title 32, section 11302; [PL 1991, c. 9, Pt. G, §2 (NEW).]
- O. Title 32, section 11303; [PL 1991, c. 9, Pt. G, §2 (NEW).]
- P. Title 38, section 348; [PL 1991, c. 9, Pt. G, §2 (NEW).]
- Q. Title 38, section 349; [PL 1991, c. 9, Pt. G, §2 (NEW).]
- R. Title 38, section 552; [PL 1991, c. 9, Pt. G, §2 (NEW).]
- S. Title 38, section 570; [PL 1991, c. 9, Pt. G, §2 (NEW).]
- T. Title 38, section 1319-G; [PL 1991, c. 9, Pt. G, §2 (NEW).]
- U. Title 38, section 1319-J; and [PL 1991, c. 9, Pt. G, §2 (NEW).]
- V. Title 38, section 1367. [PL 1991, c. 9, Pt. G, §2 (NEW).]  
[PL 2005, c. 65, Pt. C, §8 (AMD).]

**2. Affect.** Costs allowed under subsection 1 do not affect any fees, costs or expenses otherwise recoverable by the State or any of its officers or agencies.  
[PL 1991, c. 9, Pt. G, §2 (NEW).]

**3. Application.** This section applies to any action or proceeding that is pending on the effective date of this section.  
[PL 1991, c. 9, Pt. G, §2 (NEW).]

#### SECTION HISTORY

PL 1991, c. 9, §G2 (NEW). PL 2005, c. 65, §C8 (AMD).

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