

130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 853

H.P. 621

House of Representatives, March 8, 2021

An Act To Increase the Fees Paid to Sheriffs and Their Deputies for Service of Civil Process Documents

Reference to the Committee on Judiciary suggested and ordered printed.

R(+ B. Hunt

ROBERT B. HUNT Clerk

Presented by Representative MATLACK of St. George. Cosponsored by Senator CYRWAY of Kennebec and Representative: PICKETT of Dixfield.

1	Be it enacted by the People of the State of Maine as follows:
2 3	Sec. 1. 30-A MRSA §421, sub-§1, as amended by PL 1989, c. 6; c. 9, §2; c. 104, Pt. C, §§8 and 10; and c. 303, is further amended to read:
4 5 6	1. Civil process. For service of all writs or complaints with summonses, precepts, notices, executions, court orders, orders of service, copies and all other civil process or papers requiring service which that are not specified in this section:
7 8	A. For proceedings in forma pauperis, $\$4$ $\$8$ for each such service and $\$8$ $\$40$ if the service is made in hand;
9 10	B. For service on behalf of the State, $\$4$ $\$8$ for each such service and $\$8$ $\$40$ if the service is made in hand; and
11 12	C. For all other proceedings, $\$$ $\$$ 16 for each such service and $\$$ 16 $\$$ 40 if the service is made in hand;
13 14	Sec. 2. 30-A MRSA §421, sub-§2, as amended by PL 1989, c. 6; c. 9, §2; c. 104, Pt. C, §§8 and 10; and c. 303, is further amended to read:
15 16	2. Disclosure subpoena. For the service of a disclosure subpoena as provided by Title 14, chapter 502, \$16 \$40;
17 18 19	Sec. 3. 30-A MRSA §421, sub-§3, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:
20 21 22	3. Complaint for divorce. For the service of a complaint for divorce with a writ of attachment by serving summonses and attested copy of the writ and complaint, or for the service of a complaint for divorce with an order of court by attested copy, <u>\$8 \$40;</u>
23 24	Sec. 4. 30-A MRSA §421, sub-§4, as amended by PL 1997, c. 5, §1, is further amended to read:
25 26	4. Attachment of real estate. For the attachment of real estate at the registry of deeds, $\$16 \40 ;
27 28	Sec. 5. 30-A MRSA §421, sub-§5, as amended by PL 1997, c. 5, §1, is further amended to read:
29 30 31	5. Attachment of personal property; replevin. For the attachment of personal property or for the service of a writ of replevin, $\$16 \ \40 , and $\$10 \ more$ an hourly rate determined by the sheriff to be charged for each hour after the first required for the service;
32 33	Sec. 6. 30-A MRSA §421, sub-§6, as amended by PL 2009, c. 205, §3, is further amended to read:
34 35 36 37	6. Civil arrests and custody. For civil arrests and custody under the arrest, including arrest and custody under paternity proceedings, $\frac{$25}{50}$ and an hourly rate determined by the sheriff to be charged for each hour after the first required for the service plus mileage at a at least the same rate of $42e$ per mile as provided under Title 5, section 8;
38 39 40	Sec. 7. 30-A MRSA §421, sub-§14, as amended by PL 1989, c. 6; c. 9, §2; c. 104, Pt. C, §§8 and 10; c. 303; and c. 502, Pt. A, §112 and repealed and replaced by c. 878, Pt. A, §82, is further amended to read:

1 **14. Search for persons to serve.** For diligently searching for persons on whom they 2 are commanded to serve civil process when that party cannot be located at an address given 3 to the sheriff or the deputy sheriff by the plaintiff or the plaintiff's attorney when 4 commanding the service to be made, \$10 \$40, plus necessary travel mileage at at least the 5 same rate per mile as provided under Title 5, section 8; and

6 Sec. 8. 30-A MRSA §421, 3rd ¶, as amended by PL 1997, c. 8, §1, is further 7 amended to read:

8 In addition to the fees charged for service, travel may be charged for each mile actually 9 traveled at the same rate at which county government employees are reimbursed within that 10 county, except that all travel initiated on behalf of a state government agency must be 11 reimbursed <u>at at least the same rate per mile as provided</u> under Title 5, section 8.

12 Sec. 9. 30-A MRSA §421, 4th ¶, as amended by PL 2005, c. 218, §5, is further 13 amended to read:

The county commissioners of each county may require that the fees collected under subsections 1, 2, 3, 5, 7, 12 and 14 be increased by \$5, except that the fee paid by any state agency or department may only be increased by \$1 <u>\$25</u>. The sheriff or deputy shall collect this additional amount and pay it to the county treasurer for the use and benefit of the county. The county commissioners may also require that the fees collected under subsections 1 to 14 be increased by an amount equal to the cost of social security and other withholding taxes on the fees payable under this section.

SUMMARY

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This bill amends the laws concerning the fees and travel reimbursement paid to sheriffs and their deputies for service of civil process documents by increasing these fees and providing that the travel reimbursement rate must be at least the same rate as that paid to state employees.