

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-TWO

—
H.P. 621 - L.D. 853

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

Be it enacted by the People of the State of Maine as follows:

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:

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:

A. For proceedings in forma pauperis, \$4 ~~\$8~~ for each such service and ~~\$8~~ \$40 if the service is made in hand;

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

C. For all other proceedings, ~~\$8~~ \$16 for each such service and ~~\$16~~ \$40 if the service is made in hand;

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:

2. Disclosure subpoena. For the service of a disclosure subpoena as provided by Title 14, chapter 502, ~~\$16~~ \$40;

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:

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, ~~\$8~~ \$40;

Sec. 4. 30-A MRSA §421, sub-§4, as amended by PL 1997, c. 5, §1, is further amended to read:

4. Attachment of real estate. For the attachment of real estate at the registry of deeds, ~~\$16~~ \$40;

Sec. 5. 30-A MRSA §421, sub-§5, as amended by PL 1997, c. 5, §1, is further amended to read:

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;

Sec. 6. 30-A MRSA §421, sub-§6, as amended by PL 2009, c. 205, §3, is further amended to read:

6. Civil arrests and custody. For civil arrests and custody under the arrest, including arrest and custody under paternity proceedings, ~~\$25~~ \$60 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 42¢ per mile as provided under Title 5, section 8;

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:

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

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

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

Sec. 9. 30-A MRSA §421, 4th ¶, as amended by PL 2005, c. 218, §5, is further 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~~ \$25. 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.

Sec. 10. Appropriations and allocations. The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF
Child Support 0100**

Initiative: Provides funding for an increase in the fees and travel reimbursement paid to sheriffs and their deputies for service of civil process documents.

GENERAL FUND	2021-22	2022-23
All Other	\$0	\$126,511
GENERAL FUND TOTAL	<u>\$0</u>	<u>\$126,511</u>

FEDERAL EXPENDITURES FUND	2021-22	2022-23
All Other	\$0	\$245,581
FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$245,581</u>

State-funded Foster Care/Adoption Assistance 0139

Initiative: Provides funding for an increase in the fees and travel reimbursement paid to sheriffs and their deputies for service of civil process documents.

GENERAL FUND	2021-22	2022-23
All Other	\$0	\$32,000
GENERAL FUND TOTAL	<u>\$0</u>	<u>\$32,000</u>

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF
DEPARTMENT TOTALS**

	2021-22	2022-23
GENERAL FUND	\$0	\$158,511
FEDERAL EXPENDITURES FUND	\$0	\$245,581
DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$404,092</u>

JUDICIAL DEPARTMENT

Courts - Supreme, Superior and District 0063

Initiative: Provides funding for an increase in the fees and travel reimbursement paid to sheriffs and their deputies for service of civil process documents.

GENERAL FUND	2021-22	2022-23
All Other	\$0	\$35,194
GENERAL FUND TOTAL	<u>\$0</u>	<u>\$35,194</u>

**JUDICIAL DEPARTMENT
DEPARTMENT TOTALS**

	2021-22	2022-23
GENERAL FUND	\$0	\$35,194
DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$35,194</u>

SECTION TOTALS	2021-22	2022-23
GENERAL FUND	\$0	\$193,705
FEDERAL EXPENDITURES FUND	\$0	\$245,581
SECTION TOTAL - ALL FUNDS	\$0	\$439,286