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May 19, 2025

Testimony of Representative Sophie Warren Presenting
L.D. 1896, Resolve, to Support *Pro Se* Litigants Regarding the
Return Receipt of Service
Before the Joint Standing Committee on Judiciary

Good morning, Senator Carney, Representative Kuhn, and respected colleagues of the Joint Standing Committee on Judiciary. I appreciate the opportunity to present L.D. 1896, *Resolve, to Support Pro Se Litigants Regarding the Return Receipt of Service*.

This bill proposes a simple yet important clarification to Rule 4¹ of the Maine Rules of Civil Procedure: to specify that both the USPS hard copy Return Receipt (PS Form 3811)² and the Return Receipt (Electronic)³ shall be accepted as valid proof of service. This clarification will directly benefit self-represented litigants across Maine who rely on affordable and accessible means to serve legal documents. As one constituent explained in testimony that inspired this bill:

“At this time, Rule 4 is not written in a way that would explicitly exclude the use of the electronic return receipt. However, I believe due to the ambiguous language used, courts have chosen to err on the side of caution, precluding the use of the electronic return receipt service.”

This ambiguity has led to inconsistent application across the state. Despite USPS Return Receipt (Electronic)⁴ being functionally equivalent to its hard copy counterpart, complete with **delivery confirmation, timestamp, and the recipient’s signature** and is not a new technology for the USPS,⁵ in multiple district courts have reportedly advised *pro se* litigants that judges will not accept the electronic version as valid proof of service though this is not specified in the rule itself.

¹ See https://www.courts.maine.gov/rules/text/MRCivPPlus/mr_civ_p_4_plus_2018-08-01.pdf.

² See Addendum for visual representations of each.

³ The ERR is a digital version of the green card, typically available in PDF format. It includes the same information as the green card, but it also offers the convenience of being emailed, printed, and saved digitally. It has been used for many years by USPS and the general public, recording signatures and delivery addresses electronically and making this information available online. Via https://faq.usps.com/s/article/What-is-Electronic-Return-Receipt#receive_Return_Receipt_Electronic.

⁴ “Return Receipt (Electronic) is an official United States Postal Service® document designed to be **equivalent** to the hardcopy Return Receipt that has been in use for many years. However, its legal status is not determined by the Postal Service™. That decision is made by the individual courts. Return Receipt (Electronic) records are kept for two years from the date of mailing. After 60 days the record will take longer to retrieve.” Via https://faq.usps.com/s/article/What-is-Electronic-Return-Receipt#receive_Return_Receipt_Electronic.

⁵ <https://about.usps.com/postal-bulletin/2004/pb22137.pdf>.

This inconsistency puts particularly *pro se* litigants at a distinct disadvantage. This is not to say that all filers won't benefit from this change, but the highest benefit will certainly be seen for litigant who rely on the clearest and lowest cost methods to complete the important action of service in a new action. The same constituent described how:

“USPS lost two out of two hard copy return receipts in the mail... I was only left with the option to continually attempt to re-serve via certified mail or pay for the more costly option of sheriff service. This added an immense amount of unnecessary stress... as well as much added cost and time invested.”

This experience is not unique, and while lost mail is a seemingly unavoidable reality of sending and receiving mail, we do not provide clear remedy that can meaningfully serve to avoid this concern. Return Receipt (Electronic) provides **instant delivery, full tracking, and secure digital signatures**, all at a **lower cost**.⁶

Several states have already modernized their rules to explicitly permit electronic return receipts, recognizing them as valid and secure. To reference just a few:

- **Pennsylvania:** Updated its civil procedure to clarify that nothing prohibits using USPS Return Receipt Electronic or similar services.⁷
- **Connecticut:** Public Act 10-179 expanded “return receipt requested” to include electronic and digital methods.⁸
- **Washington:** House Bill 1426 (2009) authorized the use of electronic return receipts for service.⁹
- **North Carolina:** Amended Rule 4(j) in 2008 to permit **electronic or facsimile receipts** as valid evidence of delivery.¹⁰

These examples show a national trend toward recognizing technologically equivalent, cost-effective methods of service particularly where they benefit low-resource or self-represented litigants.

Some may ask whether electronic receipts are secure or sufficient for court standards. The answer is unequivocally yes, for the following reasons:

- USPS Return Receipt Electronic includes a digitized signature, timestamp, and address confirmation. It meets the **same evidentiary threshold as the paper PS Form 3811**.

⁶ Consolidated Mail Services (CMS) processes Certified Mail with Electronic Return Receipt (ERR) for customers. In fiscal year 2024, CMS customers saved more than \$98,000 by using ERR. See <https://des.wa.gov/services/printing-mailing/mail-services/electronic-return-receipt>.

⁷ [Pa. Bulletin, Vol. 38, No. 40 \(2008\)](#).

⁸ [CT General Assembly Report \(2010\)](#).

⁹ [House Bill 1426](#). See also <https://des.wa.gov/services/printing-mailing/mail-services/electronic-return-receipt>.

¹⁰ [Session Law 2008-36](#).

- The **Federal Rules of Civil Procedure**,¹¹ which Maine's own rules are modeled after, also accept electronic return receipt within their rules, recognizing flexibility in service methods in a way that maintains the rigor of standards of proof of delivery and receipt.
- Concerns about authenticity are addressed through USPS's **secure tracking and signature systems**, more so than the easily lost or delayed green card.

Others may worry that such a change opens the door to unreliable service. But again, this bill does not create a new method of service, it simply **clarifies** that an already offered USPS service counts as valid proof. No additional burden is placed on courts, clerks, plaintiffs or defendants. Instead, it streamlines and modernizes existing procedure.

L.D. 1896 is a common-sense measure that helps to further modernize our court policies and provides an additional benefit of leveling the playing field for Maine's *pro se* litigants. It ensures that access to justice isn't denied due to unclear rules or unreliable postal processes. It aligns Maine with best practices adopted in other states, and it leverages digital efficiency while maintaining all due process protections.

As the original constituent wrote:

"I have now resolved the issue with service in my own case, however, I want to see that Rule 4 is amended so moving forward other pro se individuals will have this option available to them; and with that, hopefully a less problematic experience."

Thank you for your time and consideration of this bill. I would be happy to answer any questions you may have.

¹¹ https://www.law.cornell.edu/rules/frcp/rule_4.

ADDENDUM

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>John Smith, Sterling Capital 250 Park Avenue New York, NY 10177</p> <p>2. Article Number (Transfer from service label)</p> <p>9590 9402 5301 9154 8710 84</p>		<p>A. Signature</p> <p>X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p> <p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>	
PS Form 3811, July 2015 PSN 7530-02-000-9053		Domestic Return Receipt	

Example of USPS PS Form 3811, aka "Green Card"

UNITED STATES POSTAL SERVICE

June 27, 2019

Dear Simple Certified:

The following is in response to your request for proof of delivery on your item with the tracking number: **9414 8106 9994 5041 7239 98**.

Item Details

Status: Delivered, Left with Individual
 Status Date / Time: June 27, 2019, 12:18 pm
 Location: CARY, NC 27511
 Postal Product: First-Class Mail®
 Extra Services: Certified Mail™
 Return Receipt Electronic

Recipient Name: Charles Crutchfield

Shipment Details

Weight: 1.0oz

Recipient Signature

Signature of Recipient: *[Handwritten Signature]*
 Address of Recipient: 205E66
 A1936

Note: Scanned image may reflect a different destination address due to intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
 United States Postal Service®
 475 L'Enfant Plaza SW
 Washington, D.C. 20260-0004

Charles Crutchfield
 SCM Company
 111 COMMONWEALTH CT STE 103
 Suite 103
 CARY, NC 27511

Example of Return Receipt Electronic

See <https://www.simplecertifiedmail.com/blog/certified-mail-education/certified-mail-vs-certified-mail-return-receipt/>.