

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 426

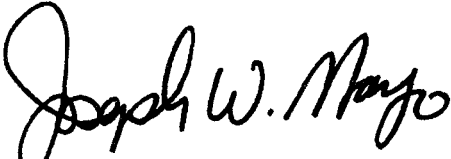
H.P. 310

House of Representatives, January 14, 1999

**An Act to Implement Recommendations of the Maine Indian Tribal-State
Commission to Ensure Enforcement of Subpoenas by Tribal Courts.**

Reported by Representative THOMPSON for the Maine Indian Tribal-State Commission,
pursuant to Resolve 1997, chapter 45, section 3.

Reference to the Joint Standing Committee on Judiciary suggested and printing ordered
under Joint Rule 218.


JOSEPH W. MAYO, Clerk

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

4 **Sec. 1. 14 MRSA §702**, as amended by PL 1987, c. 223, §1, is further amended to read:

6 **§702. Duty of sheriffs and deputies; fees**

8 Every sheriff and each of his the sheriff's deputies shall
10 serve and execute, within his the respective county, all writs
12 and precepts issued by lawful authority ~~to him~~ to the sheriff,
14 including the Passamaquoddy Tribal Court, as defined in Title 30,
16 section 6209-A and the Penobscot Tribal Court, as defined in
18 Title 30, section 6209-B, directed and committed, including those
20 in which a town, plantation, parish, religious society or school
22 district, of which he the sheriff is at the time a member, is a
24 party or interested, but his the legal fees for service shall
must first be paid or secured to him the sheriff. If the fees are
not paid or secured to him the sheriff when the process is
delivered to him the sheriff, he the sheriff shall immediately
return it to the plaintiff or attorney offering it; or if sent to
him the sheriff by mail or otherwise, he the sheriff shall put it
into some post office within 24 hours, directed to the person
sending it; otherwise he the sheriff waives his the sheriff's
right to his the sheriff's fees before service.

26 **SUMMARY**

28 This bill makes it clear that sheriffs and deputies have the
30 duty to serve and execute papers issued by the Passamaquoddy
Tribal Court and the Penobscot Tribal Court.