

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

80.84

RICHARD S. COHEN
ATTORNEY GENERAL



STEPHEN L. DIAMOND
JOHN S. GLEASON
JOHN M. R. PATERSON
ROBERT J. STOLT
DEPUTY ATTORNEYS GENERAL

STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

May 13, 1980

Honorable Georgette B. Berube
195 Webster Street
Lewiston, Maine 04240

Dear Representative Berube:

This will respond to your written opinion request, received by this Office on April 30, 1980, in which you ask the following questions concerning the service of civil process:

- "1. Can constables serve legal papers;
- 2. Can any private citizen serve legal papers without being a constable or law enforcement official;
- 3. If Deputy Sheriffs are hired exclusively as process servers are they also mandated to attend the Criminal Justice Academy as are all Deputies?"

The answers to questions numbered 1 and 2 above are found in the relevant provisions of the Maine Rules of Civil Procedure. Rule 4(c), M.R.C.P. provides:

"Service of all process shall be made by a sheriff or his deputy within his county, by a constable or other person authorized by law, or by some person specially appointed by the court for that purpose, except that a subpoena may be served as provided in Rule 45. Special appointments to serve process shall be made freely when substantial savings in travel fees will result."

See also Rule 4, Maine District Court Rules of Civil Procedure.

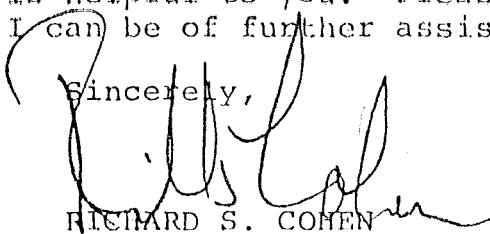
Rule 4(c) expressly provides that a constable is authorized to serve civil process. On the other hand, a private citizen, unless specially appointed by the court for that purpose or otherwise authorized by law, has no authority to

serve civil process.¹

Your question whether a deputy sheriff who is hired solely as a civil process server is required to attend the basic training course at the Maine Criminal Justice Academy, has been addressed in a prior opinion of this Office dated April 30, 1979. I have taken the liberty of enclosing a copy of that opinion for your information.

I hope this information is helpful to you. Please feel free to call upon me if I can be of further assistance.

Sincerely,



RICHARD S. COHEN
Attorney General

RSC:sm

1. With respect to the service of subpoenas in a civil case, Rule 45(c), M.R.C.P. provides, in relevant part:

"A subpoena may be served by the sheriff, by his deputy, by a constable, or by any other person who is not a party and is not less than 18 years of age.

See also Rule 45, M.D.C.R.C.P.