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

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-FIVE

AN ACT Relating to Service of Process by
Sheriffs, Deputies and Constables.

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

Sec. 1.   14 MRSA §702 is amended by adding at the end the following:

A   sheriff   or   his deputy may serve, execute and return civil process outside of his county when:

1.   Local officers unavailable.   Local   municipal or county law enforcement officers are unavailable to serve   process   on a weekend, after business hours or on a holiday;

2.   Local officers unable to serve.   Local munic- ipal or county law enforcement officers are unable to serve civil process due to vacations, illness or   at- tention to more pressing law enforcement needs; or

1   3. Prejudice to parties. The inability or un-
 2   availability of local municipal or county law en-
 3   forcement personnel may reasonably be expected to
 4   prejudice a party to civil litigation related to the
 5   process of service.

 6   Sec. 2.   14 MRSA §703, as amended by PL 1977, c.
 7   650, §1, is further amended by adding at the end the
 8   following:

 9   A constable may serve, execute and return civil
10   process outside of his municipality when:

11   1. Local officers unavailable. Local municipal
12   or county law enforcement officers are unavailable to
13   serve process on a weekend, after business hours or
14   on a holiday;

15   2. Local officers unable to serve. Local munic-
16   ipal or county law enforcement officers are unable to
17   serve civil process due to vacations, illness or at-
18   tention to more pressing law enforcement needs; or

19   3. Prejudice to parties. The inability or un-
20   availability of local municipal or county law en-
21   forcement personnel may reasonably be expected to
22   prejudice a party to civil litigation related to the
23   process of service.

STATEMENT OF FACT

2   Under present Maine law, sheriffs, sheriff's dep-
3   uties and constables are authorized to serve civil
4   process.   Sheriffs and their deputies are not allowed
5   to serve process outside their respective counties
6   and constables are restricted to service of process
7   within the municipalities from which they are ap-
8   pointed.   This geographical restriction occasionally
9   causes hardship to parties who are unable to secure
10   prompt civil process due to the inability or unavail-
11   ability of local sheriffs, deputies and constables to
12   respond.

13   The hardship occurs most frequently on weekends
14   and after the close of regular business hours when
15   sheriffs and deputies usually cease serving process.
16   If the local constable is otherwise engaged or ill,
17   process must be delayed until the next business day
18   when a deputy is available. In certain situations,
19   the delay in process can be critical. Emergency in-
20   junctions or restraining orders will not become ef-
21   fective until served.   A deadline for commencing a
22   legal action may expire due to the unavailability of
23   a deputy to serve process. A party whose case re-
24   quires immediate attention may be required to wait
25   precious hours or days until local law enforcement
26   personnel become available to serve process.

27   This bill relieves this hardship by allowing
28   sheriffs or their deputies from another county, or
29   constables from another municipality, to serve civil
30   process outside their regular territory in the lim-
31   ited situations which would present serious hardships
32   to parties unable to secure prompt service of civil
33   process.

34   1139021285