

FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1142

S.P. 377

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14 15 In Senate, April 8, 1987

Reference to the Committee on Legal Affairs suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate Presented by Senator GAUVREAU of Androscoggin. Cosponsored by Senator GOULD of Waldo, Representative BOUTILIER of Lewiston.

STATE OF MAINE

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

AN ACT Amending the Service of Process Laws.

4 Be it enacted by the People of the State of Maine as 5 follows:

6 Sec. 1. 14 MRSA §702 is amended to read:

§702. Duty of sheriffs and deputies; fees

Every sheriff and each of his deputies shall serve and execute, within his county, all writs and precepts issued by lawful authority to him directed and committed, including those in which a town, plantation, parish, religious society or school district, of which he is at the time a member, is a party or interested, but his legal fees for service shall first be paid or secured to him; and if they are net.

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1 If the fees are not paid or secured to him when the 2 process is delivered to him, he shall forthwith 3 immediately return it to the plaintiff or attorney offering it; or if sent to him by mail or otherwise, 4 he shall put it into some post office within 24 5 6 hours, directed to the person sending it; otherwise 7 he waives his right to his fees before service. One dollar of every fee collected by a sheriff or a depu-8 9 ty for service under this section shall be paid to 10 the county treasurer for the use and benefit of the 11 county.

Sec. 2. 30 MRSA §1051, as amended by PL 1983, c.
74, §§1 to 3, is further amended by adding at the end
a new paragraph to read:

15 One dollar of every fee collected pursuant to 16 subsections 1, 2, 3, 5, 7, 10, 19 and 20 shall be 17 paid to the county treasurer for the use and benefit 18 of the county.

STATEMENT OF FACT

20 The purpose of this bill is to require that \$1 of 21 every fee collected by a nonsalaried sheriff or depu-22 ty sheriff for service of papers be credited to the 23 county.

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