

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

SECOND REGULAR SESSION-2018

Legislative Document

No. 1776

S.P. 661

In Senate, January 5, 2018

An Act To Establish Requirements for Civil Deputies

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator DION of Cumberland.

Cosponsored by Senators: CHIPMAN of Cumberland, CYRWAY of Kennebec.

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

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

4 **§702. Duty of sheriffs, deputies and civil deputies; fees**

5 Every sheriff and each of ~~his~~ the sheriff's deputies and civil deputies, as defined in
6 Title 30-A, section 351, subsection 5, shall serve and execute, within ~~his~~ the sheriff's
7 county, all writs and precepts issued by lawful authority ~~to him~~ directed and committed to
8 the sheriff, including those in which a town, plantation, ~~or~~ parish of which ~~the~~ the sheriff is a
9 resident, ~~or~~ religious society or school district, of which ~~he~~ the sheriff is at the time a
10 member, is a party or interested, but ~~his~~ the sheriff's legal fees for service ~~shall~~ must first
11 be paid or secured to ~~him~~ the sheriff. If the fees are not paid or secured to ~~him~~ the sheriff
12 when the process is delivered to ~~him~~ the sheriff, ~~he~~ the sheriff shall immediately return it
13 to the plaintiff or attorney offering it; or if sent to ~~him~~ the sheriff by mail or otherwise, ~~he~~
14 the sheriff shall put it into ~~some~~ a post office within 24 hours, directed to the person
15 sending it; otherwise ~~he~~ the sheriff waives ~~his~~ the sheriff's right to ~~his~~ the sheriff's fees
16 before service.

17 **Sec. 2. 14 MRSA §709** is amended to read:

18 **§709. Service on deputy sheriff or civil deputy sheriff**

19 Any writ or precept in which the deputy or civil deputy, as defined in Title 30-A,
20 section 351, subsection 5, of a sheriff is a party may be served by any other deputy or
21 civil deputy of the same sheriff.

22 **Sec. 3. 30-A MRSA §104**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C,
23 §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further
24 amended to read:

25 **§104. Execution of process**

26 Sheriffs and their deputies and constables shall execute all legal processes directed to
27 them by the commissioners. A civil deputy, as defined in section 351, subsection 5, shall
28 serve civil process as directed by the sheriff.

29 **Sec. 4. 30-A MRSA §351, sub-§5** is enacted to read:

30 **5. Civil deputy.** "Civil deputy" means a deputy who meets the requirements for a
31 civil deputy adopted by the sheriff and has been designated by the sheriff to enforce civil
32 laws and serve civil process.

33 **Sec. 5. 30-A MRSA §381, sub-§6** is enacted to read:

34 **6. Exceptions for civil deputies.** The provisions of subsections 1 to 5 do not apply
35 to civil deputies. The sheriff may designate one or more persons to serve as civil deputies
36 to enforce civil laws and serve civil process in accordance with the state rules of court. A

1 civil deputy holds no other law enforcement powers. A civil deputy is compensated under
2 section 386, subsection 4. The sheriff may adopt rules, procedures and requirements
3 related to the qualifications of a civil deputy and the service of civil process.

4 **Sec. 6. 30-A MRSA §386, sub-§4** is enacted to read:

5 **4. Civil deputies.** Civil deputies must be compensated at a reasonable rate
6 established by the county commissioners pursuant to section 421.

7 **SUMMARY**

8 This bill enacts a definition of "civil deputy," codifies the designation and duties of
9 civil deputies, requires payment to civil deputies at a reasonable rate of compensation
10 established by the county commissioners and authorizes sheriffs to adopt rules,
11 procedures and requirements applicable to civil deputies.