

# MAINE STATE LEGISLATURE

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R.d.S.

L.D. 549

DATE: 5-22-97

(Filing No. H-639)

JUDICIARY

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
118TH LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 404, L.D. 549, Bill, "An Act to Change the Reimbursement Procedure for Law Enforcement Personnel Testifying in Court"

Amend the bill by striking out the title and substituting the following:

'An Act to Change the Reimbursement for Law Enforcement Personnel Testifying in Court'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 4 MRSA §173, sub-§4, as amended by PL 1993, c. 675, Pt. B, §9, is further amended to read:

4. Distribution of fees and fines. All law enforcement officers appearing for a scheduled trial in District Court at times other than their regular working hours, at the order of a prosecuting official and whether or not they are called upon to give testimony, must be compensated out of the General Fund at the rate of \$10 ~~\$10~~ \$30 for each day or part of a day that the officer is required to be physically present.

The court officer required to be present at an arraignment may be an officer other than the arresting officer, provided that the

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to H.P. 404, L.D. 549

2 municipality has designated the officer to handle the arraignment  
3 easelead case load of that municipality. In addition, one or  
4 more municipalities may designate either a municipal law  
5 enforcement officer or a county law enforcement officer to  
6 represent the municipalities at arraignments on a rotating  
7 schedule.

8 The court shall pay any municipality a flat fee of \$10 \$30 for  
9 each day or part of a day that a municipal law enforcement  
10 officer, designated by the municipality as its court officer, is  
11 required to be physically present in a District Court in order to  
12 adequately handle that municipality's easelead case load. In  
13 addition, the court shall pay any municipality a flat fee of \$10  
14 \$30 per day for every day or part of a day, but no more than \$10  
15 \$30 for any one day, the municipality loses the services of one  
16 or more law enforcement officers because the officer or officers  
17 are performing some act authorized or required by the Maine Rules  
18 of Criminal Procedure or are witnesses in a criminal or traffic  
19 infraction case within the jurisdiction of the District Court. A  
20 municipality is considered to have lost the services of a law  
21 enforcement officer when the officer, who normally performs  
22 duties of patrolling or maintaining order, is physically unable  
23 to perform those duties of patrolling and maintaining order for  
24 the municipality.

25 The sheriffs of the several counties shall designate and furnish  
26 deputy sheriffs to serve as bailiffs in each division of the  
27 District Court within their counties, if so requested by the  
28 Chief Judge. A deputy sheriff designated as bailiff must be  
29 approved by the Chief Judge and may not serve as a court officer  
30 for any law enforcement agency.

31 Compensation for reasonable and necessary expenses, as agreed to  
32 by the parties, must be paid by the District Court.

33 In those municipalities where a police officer has been furnished  
34 to serve as a bailiff, the Chief Judge may continue to authorize  
35 the use of a police officer as a bailiff and the municipality  
36 must be compensated by the District Court. A person new appointed  
37 to serve as bailiff may not serve as court officer for a  
38 municipal police department, as provided in this subsection.

39 **Sec. 2. Appropriation.** The following funds are appropriated  
40 from the General Fund to carry out the purposes of this Act.

41		1997-98	1998-99
42			
43	<b>JUDICIAL DEPARTMENT</b>		

# COMMITTEE AMENDMENT

**Courts - Supreme, Superior, District  
and Administrative**

2

4 All Other \$130,155 \$173,540

6 Provides funds to increase the  
8 reimbursement for law  
10 enforcement officers for court  
12 officer services or for law  
14 enforcement officers serving  
16 as witnesses.'

18 Further amend the bill by inserting at the end before the  
20 summary the following:

**FISCAL NOTE**

18

**1997-98 1998-99**

**APPROPRIATIONS/ALLOCATIONS**

20

22

General Fund \$130,155 \$173,540

24

26 This bill includes additional General Fund appropriations of  
28 \$130,155 in fiscal year 1997-98 and \$173,540 in fiscal year  
30 1998-99 to the Judicial Department to increase the reimbursement  
32 for law enforcement officers from \$10 per day to \$30 per day for  
34 serving as court officers or as witnesses. The estimated costs  
36 for increasing the fee to \$30 per day for court officer services  
are \$185,310 annually. The estimated costs associated with the  
witness fees may range between \$50,000 to \$150,000 annually. The  
General Fund appropriation amounts include only the minimum  
amounts in this estimated range for witness services.'

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**SUMMARY**

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40 This amendment replaces the bill. It increases the  
42 reimbursement to law enforcement officers and to municipalities  
44 from \$10 a day to \$30 a day for each day the law enforcement  
officer spends in District Court as a witness or court officer.  
The reimbursement is paid by the Judicial Department.

46 This amendment also adds an appropriation section and a  
fiscal note to the bill.