

MAINE STATE LEGISLATURE

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m
R.d.S.

L.D. 549

DATE: 5-22-97

(Filing No. H-639)

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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	JUDICIAL DEPARTMENT		

COMMITTEE AMENDMENT

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

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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

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1997-98 1998-99

APPROPRIATIONS/ALLOCATIONS

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

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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
38 are \$185,310 annually. The estimated costs associated with the
40 witness fees may range between \$50,000 to \$150,000 annually. The
42 General Fund appropriation amounts include only the minimum
44 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
46 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.