

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 955

H. P. 709

House of Representatives, February 18, 1971

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. McTeague of Brunswick.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Relating to Fees of Municipal Police Officers as Witnesses.

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

Sec. 1. R. S., T. 4, § 173, sub-§ 4, amended. The next to last paragraph of subsection 4 of section 173 of Title 4 of the Revised Statutes, as enacted by chapter 397 of the public laws of 1967 and amended by section 1 of chapter 521 of the public laws of 1967, is further amended to read as follows:

All ~~municipal police officers~~ sheriffs, deputy sheriffs or constables who officially appear for a scheduled trial in and for the District Court at times other than their regular working hours shall be compensated out of the District Court Fund until July 1, 1969, and thereafter the General Fund and receive the same fee as any other witnesses. **All municipal police officers so appearing at the order of a prosecuting official and whether or not they are called upon to give testimony, shall be compensated out of the General Fund on an hourly basis equal to their present rate of employment. The District Court judge shall determine and order such payment.**

Sec. 2. R. S., T. 16, § 251, amended. The first sentence of section 251 of Title 16 of the Revised Statutes, as amended by chapter 286 of the public laws of 1967, is further amended to read as follows:

Witnesses, **other than municipal police officers**, in the Supreme Judicial Court, the Superior Court, the District Court or in the probate court, unless the court shall otherwise order, shall receive \$5, and before referees, auditors or commissioners specially appointed to take testimony or special commissioners on disputed claims appointed by probate courts, \$5, or before the county commissioners, \$5 for each day's attendance and 8¢ a mile for each mile's travel going and returning home.

Sec. 3. R. S., T. 16, § 252, amended. Section 252 of Title 16 of the Revised Statutes is amended to read as follows:

§ 252. Fees of police officer or constable

No police officer or constable paid a salary or paid upon a per diem basis by a municipality shall receive any fee as a complainant or witness, or for making an arrest or for attendance at court, **while on duty and being compensated therefor**, but shall be reimbursed by such municipality for his actual costs of arrest and actual expenses of travel and attendance. Whenever any fines or penalties are imposed by any court in any proceeding in which such a police officer or constable is a complainant or a witness, said court may tax costs for such complainant or witness in the usual manner to be paid by the county treasurer upon approval of the county commissioners to the municipality employing such police officer or constable. **All municipal police officers appearing at the order of a prosecuting official before the Superior Court or Grand Jury, whether or not called upon to give testimony, at times other than their regular working hours shall be compensated on an hourly basis equal to their present rate of employment.**

STATEMENT OF FACT

The purpose of this bill is to allow police officers to be paid their usual rate of compensation when testifying in court on their off-duty time. There will be no fee paid a police officer when he testifies while on duty for the municipality.