

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1234

H. P. 935

House of Representatives, March 1, 1973

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. Flynn of South Portland (by request).

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to Appointment and Duties of Bail Commissioners.

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

R. S., T. 14, § 5541, repealed and replaced. Section 5541 of Title 14 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 5541. Bail commissioners; appointment and duties

The senior resident Justice of the Superior Court in each county shall appoint, from the number of attorneys-at-law resident in the county, one or more bail commissioners. In those counties where there is no resident Justice of the Superior Court, any Justice of the Superior Court or Supreme Judicial Court may appoint bail commissioners from the number of attorneys-at-law resident in the county. All bail commissioners shall continue in office during the pleasure of the Superior Court.

Amount of bail and sufficiency of sureties shall be determined for the District Court by a Judge of the District Court and for the Superior Court by a Justice of the Superior Court while the person accused is in open court for arraignment or other proceedings relating to bail; otherwise by a bail commissioner. The Supreme Judicial Court may by rule establish guidelines for bail commissioners for the setting of bail and for determining the sufficiency of sureties.

A bail commissioner receiving money or property from any principal or surety on a bail bond shall forward such money or property without delay to the clerk of the court in which the bailed person is bound to appear, together with a receipt showing the name and residence address of the person from

whom such money or property was received. Upon satisfaction of the conditions of a bail bond, the clerk of the court then having jurisdiction of the cause shall forthwith upon request deliver such money or property to the person from whom such money or property was received.

STATEMENT OF FACT

This will bring the office of bail commissioner directly under the administration of the courts.