

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND SEVENTH LEGISLATURE

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**Legislative Document**

**No. 1692**

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H. P. 1387

House of Representatives, April 4, 1975

On Motion of Mr. Tierney of Durham, referred to Committee on Appropriations and Financial Affairs. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Tierney of Durham.

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## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

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### AN ACT Concerning Off-duty Court Appearances by State Police Officers.

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

Sec. 1. 4 MRSA § 173, sub-§ 4, 5th ¶, last sentence, is repealed as follows:

~~Neither the county nor the Treasurer of State shall be required to pay any fee for the services or expense of any state police officer, as an aid, a witness or in any other capacity~~

Sec. 2. 4 MRSA § 173, sub-§ 4, 8th ¶, as last amended by PL 1971, c. 622, § 5, is further amended by adding after the 2nd sentence a new sentence to read:

All state law enforcement officers appearing 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, shall be compensated out of the General Fund on an hourly basis equal to that established by the State for their range and step level.

Sec. 3. 16 MRSA § 252, first ¶, last sentence, as last amended by PL 1973, c. 625, § 87, is further amended to read:

All municipal police officers and state 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 to be paid by the respective county treasurer.

Sec. 4. 25 MRSA § 1504, 3rd ¶, is repealed and the following enacted in place thereof:

No inspector or member of the State Police shall receive any fee as a complainant or witness, or for making an arrest, except that whenever members of the State Police are required by any court or prosecuting official to be in attendance in any proceeding as a complainant or a witness at times other than regular working hours, such members shall receive compensation on an hourly basis equal to their current hourly wage. Such compensation shall be made to the members from the salary account of the State Police with reimbursement to the State Police from the General Fund for appearances before the District Court and from the respective county treasurer for appearances before the Superior Court. Whenever any fines or penalties are imposed by any court other than the District Court in any proceeding in which a member of the State Police is a complainant or a witness, said court may tax costs for such complainant or witness in the usual manner.

**Sec. 6. Appropriation.** There is appropriated from the General Fund to the Department of Public Safety, Bureau of State Police, the sum of \$17,500 to carry out the purposes of this Act. The breakdown shall be as follows:

	1975-76	1976-77
PUBLIC SAFETY, DEPARTMENT OF		
Bureau of State Police		
All Other	\$7,500	\$10,000

#### FISCAL NOTE

The appropriation included in this bill was arrived at by assuming that each state police officer appears in court on an off-duty day 3 times a year for ½ days at a time. Using a force level of 150 men, it is estimated that 225 man days are lost which will be compensated at a median salary level. Thus, an appropriation of \$10,000 for each full year is required.

#### STATEMENT OF FACT

With the advent of full-time prosecutors, officers will not be involved in setting hearing dates or times. The Federal Fair Labor Standards require overtime payments in many cases currently and eventually in all cases. Management would be handicapped in attempts to effectively schedule working hours to avoid budgetary problems with court appearance demands controlled by a 3rd party.