

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 395

S. P. 155

In Senate, February 10, 1977

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

MAY M. ROSS, Secretary

Presented by Senator Mangan of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

**AN ACT to Clarify the Responsibility for Payment of Expenses on
Rendition of Prisoners.**

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

15 MRSA § 224 is repealed and the following enacted in its place:

§ 224. Expenses paid on rendition of prisoners

1. Expenses paid from funds allotted to prosecuting attorney. When a prisoner is returned to the State of Maine for prosecution, expenses incurred which are necessary and proper for the return shall be paid out of the funds allotted for that purpose to the prosecuting attorney. Prosecuting attorney shall have the same meaning as set forth in section 1318.

2. Expenses shared. Prosecuting attorneys may agree to share expenses whenever a prisoner is charged in the State of Maine with more than one offense.

3. Prosecuting attorney not liable. A prosecuting attorney shall not be liable for payment of such expenses unless he has previously consented to such rendition in writing.

4. Expenses for rendition of escaped prisoners. Expenses for rendition of prisoners who have escaped from custody shall be paid by the State of Maine if the escape occurred while the prisoner was committed to or being held at a state institution or while the prisoner was in the custody of a state officer, shall be paid by the sheriff if the escape occurred while the prisoner was committed to or being held at a county jail or while in the custody of a county officer or shall be paid by a municipality if the escape occurred while the

prisoner was being held at a lockup or in the custody of a municipal officer. Escape and custody shall have the same meaning as defined in Title 17-A.

5. Prosecuting attorney to designate appropriate agents. The prosecuting attorney shall, in all cases, designate appropriate agents to safely return the prisoner to the State of Maine.

6. Expense funds advanced. The treasurer or other appropriate official of the governmental unit responsible for payment of expenses pursuant to this section shall, upon written request of the prosecuting attorney, advance to him or officers designated by him a reasonable sum to defray necessary expenses. A full accounting of all expenses and return of unused funds shall be made to the issuing official no later than 2 business days from the date of return. All funds returned shall be credited to the account from which they were paid.

7. Expenses of officers of the state. Expenses incurred by officers of the state, on whose governor the requisition is made, shall be paid in the same manner as other expenses and shall not exceed 13¢ a mile for all necessary travel in returning the prisoner.

STATEMENT OF FACT

The purpose of this bill is to clarify the responsibility for payment of expenses on rendition of prisoners. Whereas the prosecuting attorney is the person who is responsible for making a decision as to whether a defendant should be returned to Maine for prosecution, his office should be responsible for the cost. To do otherwise gives him authority control over funds of other agencies.