

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
108TH LEGISLATURE
FIRST REGULAR SESSION

(Filing No. H-465)

COMMITTEE AMENDMENT "A" to H.P. 1364, L.D. 1599, Bill, "AN ACT to Provide Uniformity in the Method of Payment of Fees in Criminal Cases."

Amend the bill by striking out everything after the enacting clause and inserting in its place the following:

'Sec. 1. 15 MRSA §1320, as amended by PL 1977, c. 63, is further amended to read:

§1320. Authorization of payment of witness fees of state witnesses in criminal prosecutions

In all traffic infraction proceedings or criminal prosecutions in the District Court or Superior Court, payment of witness fees for state witnesses, fees and expenses payable on account of the services of police officers as witnesses and as complainants, and fees and expenses payable on account of the services of police officers in serving criminal process shall be made upon authorization by the prosecuting attorney or his designee. The amount of the fees and expenses shall be determined in accordance with these statutes.

1. Payments. Payments made hereunder shall be made ~~from the county treasury~~ ^{by the} Treasurer of State upon the authorization of the prosecuting attorney, unless otherwise expressly directed by law ~~and the payments shall be made from the sums set aside in the county budget for the payments on account of Superior Court criminal proceedings.~~

2. Expenditures. In fixing the amount of direct expenditures by the counties in calendar year 1975 for the support of the

Superior Court pursuant to Title 4, section 118, the Treasurer of State shall ~~not-consider~~ include sums expended in criminal prosecutions in the Superior Court on account of witness fees for state witnesses, fees and expenses payable on account of the services of police officers as witnesses and as complainants, and fees and expenses payable on account of the services of police officers in serving criminal process.

Sec. 2. Effective date. This Act shall become effective on January 1, 1978.

Fiscal Note

This amendment will require a state expenditure of approximately \$190,000 or more in every year. However, this expenditure will be almost entirely offset by an increase in the payments by the counties to the State.'

Statement of Fact

This / ^{amendment} standardizes the method of authorizing and paying the costs for witnesses in traffic infraction proceedings and criminal prosecutions in the District Court and Superior Court. Presently, such costs are authorized by the judge and paid by the State in the District Court, and authorized by the District Attorney and paid by the county in Superior Court. This / ^{amendment} provides that these costs in both courts shall be authorized by the district attorney and paid by the State. To offset the increase in state expenditures, the county payments to the State for court costs will be increased to include the Superior Court witness fees. The effective date of this Act is delayed until January 1, 1978, to allow the necessary adjustments in county payments to the State.

COMMITTEE AMENDMENT "A" to H.P. 1364, L.D. 1599, Bill, "An Act to Provide Uniformity in the Method of Payment of Fees in Criminal Cases"

Reported by the Committee on Local and County Government.

Reproduced and distributed under the direction of the Clerk of the House.

6/1/77

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