

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 95

H. P. 84

House of Representatives, January 16, 1979

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

EDWIND H. PERT, Clerk

Presented by Mr. Wood of Sanford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Repeal the Per Diem Payment and the Commutation Allowance for Court Officers.

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

Sec. 1. 30 MRSA § 1051, sub-§ 13, as amended by PL 1975, c. 430, § 68, is repealed as follows:

~~13. Aid in criminal and traffic infraction cases. For each aid necessarily employed in criminal and traffic infraction cases, including expenses, compensation at the prevailing rate per day for deputy sheriffs, and in that proportion for a longer or shorter time and 10 cents a mile to travel in going out and returning home, if necessary to travel by common carrier~~

Sec. 2. 30 MRSA § 1051, sub-§ 15, as last amended by PL 1973, c. 129, is repealed as follows:

~~15. Attendance upon Supreme Judicial and Superior Courts. Every deputy sheriff and court messenger, while in actual attendance upon a session of the Supreme Judicial Court or the Superior Court in their respective counties shall receive \$20 a day, plus actual travel at 20¢ a mile from their place of residence to the court for each day's attendance~~

STATEMENT OF FACT

The purpose of this bill is to repeal the statute which provides for the per diem amount to be paid court officers and, in addition, a commutation allowance at the rate of 10¢ per mile. Effective January 1, 1979, the Court Administrator is to reimburse each county for salaries and expenses of court and jury officers requested to serve by the Judicial Department. The statute controlling the per diem amount and commutation allowance should be eliminated for the following reasons:

1. The rate of activity in the court systems of each county vary considerably. Such activity in the court system of the larger counties is increasing to the point where court officers are required every day and should more logically be paid on a weekly salary or hourly basis at rates comparable with other salaries in the sheriffs' departments; and

2. The Judicial Department may be limited in the amount of its reimbursements to the counties to the per diem and commutation amounts in the statute and thus not make an adequate reimbursement.

The commutation allowance is discriminatory in that other employees are not so compensated.