

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1418

S. P. 470

In Senate, March 27, 1979

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

Presented by Senator Trafton of Androscoggin.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT Relating to Appointment of Bail Commissioners and to Lessen the Burden upon Sheriffs and the Court for "Prompt Bail Review."

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

Sec. 1. 14 MRSA § 5541 is amended to read:

§ 5541. **Bail commissioners appointed by court**

The ~~Superior District Court sitting Judge resident in each county every district, with the concurrence of the Superior Court regional presiding Justice for the judicial region encompassing that district, shall appoint from the number of justices of the peace resident in the county district, one or more bail commissioners, who shall hold office during at the pleasure of the court that District Court Judge with the concurrence of that regional presiding justice or their respective successors.~~ All bail commissioners acting under an appointment by a Justice of the ~~Supreme Judicial~~ Superior Court shall continue in office during at the pleasure of the ~~Superior District Court regional presiding Justice of his judicial region.~~

Sec. 2. 15 MRSA § 942, sub-§ 3, first ¶, as enacted by PL 1973, c. 760, is amended to read:

Any person aggrieved by the refusal of said judge or bail commissioner to authorize his release on personal recognizance or on the execution of an unsecured appearance bond may petition the Superior Court for a review of such decision. The judge or bail commissioner making such decision shall advise such person of his right to obtain ~~an immediate~~ a review of such decision in the Superior Court. If such person chooses to have a review, he shall be furnished a petition for review in a form prescribed by the Chief Judge of the District Court and upon execution of said petition and without the issuance of any writ or other process, the sheriff of the county in which the decision was made shall provide for the transportation of the petitioner ~~forthwith~~, together with the petition for review and all papers relevant thereto, or copies thereof, to the Superior Court ~~for the county if a justice is then sitting, or to the nearest county in which a justice of the Superior Court is then sitting, the petitioner shall be retained in custody until the next business day and upon the morning of such day, without the issuance of any writ or other process, the petitioner's custodian shall provide for his transportation to the Superior Court, as hereinbefore required.~~ **In the event that no Justice of the Superior Court will be available within 24 hours excluding weekends and holidays, then arrangements shall be made for review of bail in the nearest county in which a Justice of the Superior Court is then sitting. If there is no Justice of the Superior Court available, the petitioner shall be retained in custody until a review of the bail can be held. The petitioner's custodian shall provide transportation to the Superior Court as hereinbefore required without the issuance of any writ or other process.**

STATEMENT OF FACT

The purpose of this bill is to transfer the appointing authority of bail commissioners from the Superior Court to the District Court.