

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TENTH LEGISLATURE
4

5 **Legislative Document**

No. 1856

7 H. P. 1862 House of Representatives, January 20, 1982
Approved for introduction by the Legislative Council pursuant to
Joint Rule 26.

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

8 EDWIN H. PERT, Clerk

Presented by Representative Curtis of Waldoboro.

9
10 STATE OF MAINE
11

12 IN THE YEAR OF OUR LORD
13 NINETEEN HUNDRED AND EIGHTY-TWO
14

15 AN ACT Relating to Bail Procedures.
16

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

18 **Sec. 1.** 15 MRSA §942, sub-§1-A is enacted to read:

19 1-A. Absence of judge or bail commissioner. If a bail
20 commissioner or judge is not reasonably available, a police
21 officer may act as bail commissioner in ordering release on
22 personal recognizance.

23 **Sec. 2.** 15 MRSA §942, sub-§4, as repealed and replaced
24 by PL 1979, c. 663, §104, is amended by adding at the end a
25 new paragraph to read:

26 If convicted of a Class E crime under this subsection, the
27 minimum term of imprisonment shall be 6 months. If con-

1 victed of a Class C crime under this subsection, the minimum
2 term of imprisonment shall be one year. These imprisonment
3 sentences may only be suspended if the court sets forth in
4 detail in writing the specific reasons why, having regard to
5 the nature and circumstances of the violation and the his-
6 tory and character of the defendant, it is of the opinion
7 that exceptional features of the case justify the imposition
8 of a lesser sentence of imprisonment or a sentence other
9 than imprisonment.

10

STATEMENT OF FACT

11 This bill proposes to correct a very costly problem
12 facing county budgets and municipal property taxpayers.
13 Approximately 1/3 of all prisoners in our county jails are
14 awaiting their first appearance before a judge. These pris-
15 oners were not able to make bail so as to be released.

16 This bill would expand the use of the personal recogni-
17 zance bail provisions police officers presently have. The
18 2nd portion of the bill increases penalties for failure to
19 appear. The positive effect of this is to encourage bail
20 commissioners to make more use of the personal recognizance
21 bail procedure.

22 Both of these measures could result in great savings to
23 taxpayers with proper implementation of this concept.

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