

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 457

6
7 H.P. 374

House of Representatives, February 1, 1983

8 Received by the Clerk of the House on February 1, 1983. Referred to the
9 Committee on Appropriations and Financial Affairs, and ordered printed
pursuant to Joint Rule 14.

10 EDWIN H. PERT, Clerk

Presented by Representative Manning of Portland.
11

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Authorize Full Compensation
18 for Certain Court Appearances of Municipal
19 Law Enforcement Officers.
20

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

23 Sec. 1. 4 MRSA §173, sub-§4, as amended by PL
24 1979, c. 127, §16, is further amended to read:

25 4. Distribution of fees and fines. All law
26 enforcement officers, other than municipal law
27 enforcement officers, appearing for a scheduled trial
28 in District Court at times other than their regular
29 working hours, at the order of a prosecuting official
30 and whether or not they are called upon to give
31 testimony, shall be compensated out of the General
32 Fund on an hourly basis equal to that established by
33 the State for their range and step level. All munic-

1 ipal law enforcement officers appearing for a sched-
2 uled trial in District Court at times other than
3 their regular working hours, at the order of a prose-
4 cuting official and whether or not they are called
5 upon to give testimony, shall be compensated out of
6 the General Fund at the rate established by the
7 municipality for compensation for those court appear-
8 ances.

9 Sec. 2. 15 MRSA §1320, first ¶, as enacted by PL
10 1975, c. 775, §1, is amended by adding at the end a
11 new sentence to read:

12 In all criminal prosecutions in the Superior
13 Court, payment of witness fees for state witnesses,
14 fees and expenses payable on account of the services
15 of police officers as witnesses and as complainants,
16 and fees and expenses payable on account of the ser-
17 vices of police officers in serving criminal process
18 shall be made upon authorization by the prosecuting
19 attorney or his designee. The amount of the fees and
20 expenses shall be determined in accordance with these
21 statutes. All municipal law enforcement officers
22 appearing for a scheduled trial in Superior Court at
23 times other than their regular working hours at the
24 order of a prosecuting official, and whether or not
25 they are called upon to give testimony, shall be com-
26 pensated at the rate established by the municipality
27 for compensation for those court appearances.

28 STATEMENT OF FACT

29 This bill provides that municipalities will be
30 compensated by the State for the full cost of police
31 officer's overtime hours worked in District or Supe-
32 rior Court at the state's request. Under current
33 practice, officers are compensated on the basis of
34 straight time, and the municipality must make up any
35 difference between the compensation from the General
36 Fund and any overtime rate which is applicable to
37 their officers.

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