

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1846

6
7 S.P. 655

In Senate, January 4, 1984

8 Reference to the Committee on Judiciary. Ordered printed and sent down
9 for concurrence.

10 Approved for introduction by the Legislative Council pursuant to Joint
Rule 26.

JOY J. O'BRIEN, Secretary of the Senate

11 Presented by Senator Trafton of Androscoggin.

12 STATE OF MAINE
13

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

17 AN ACT to Provide for the Services of
18 Bailiffs and other Court and Jury Officers.
19

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

22 Sec. 1. 4 MRSA §25, as enacted by PL 1977, c.
23 705, §1, is amended to read:

24 §25. Reimbursement of counties for salaries and ex-
25 penses of court and jury officers

26 The Judicial Department shall, each quarter, re-
27 imburse each county for the salaries and expenses of
28 bailiffs and other court and jury officers paid by
29 that county during the previous quarter. The reim-
30 bursement shall be for the number of officers re-
31 quested to serve the court in that county by the Ju-
32 dicial Department, provided that the Judicial Depart-
33 ment shall consult with the sheriff in each county as
34 to the level of security which is necessary.

1 The Judicial Department shall appoint such bai-
2 liffs and other court and jury officers as are neces-
3 sary for the operation of its courts and it shall
4 compensate them directly for services rendered.

5 The Judicial Department shall include sufficient
6 funds for this ~~reimbursement~~ payment within its oper-
7 ating budget.

8 Sec. 2. 4 MRSA §112, as repealed and replaced by
9 PL 1977, c. 114, §2, is repealed.

10 Sec. 3. 4 MRSA §173, sub-§4, as amended by PL
11 1979, c. 127, §16, is amended to read:

12 4. Distribution of fees and fines. All law en-
13 forcement officers appearing for a scheduled trial in
14 District Court at times other than their regular
15 working hours, at the order of a prosecuting official
16 and whether or not they are called upon to give tes-
17 timony, shall be compensated out of the General Fund
18 on an hourly basis equal to that established by the
19 State for their range and step level.

20 The court shall pay any municipality a flat fee of
21 \$20 for each day or part thereof that a municipal law
22 enforcement officer, designated by the municipality
23 as its court officer, is required to be physically
24 present in a District Court in order to adequately
25 handle such municipality's caseload. In addition, the
26 court shall pay any municipality a flat fee of \$20
27 per day for every day or part thereof, but no more
28 than \$20 for any one day, such municipality loses the
29 services of one or more law enforcement officers be-
30 cause such officer or officers are performing some
31 act authorized or required by a District Court Rule
32 of Criminal Procedure or is a witness in a criminal
33 or traffic infraction case within the jurisdiction of
34 the District Court. A municipality shall be deemed to
35 have lost the services of a law enforcement officer
36 when such officer, who normally performs duties of
37 patrolling or maintaining order, is physically unable
38 to perform those duties of patrolling and maintaining
39 order for such municipality.

40 The sheriffs of the several counties shall designate
41 and furnish deputy sheriffs to serve as bailiffs in

1 each division of the District Court within their
2 counties, if so requested by the Chief Judge.

3 Compensation for such service shall be paid by the
4 District Court.

5 In those municipalities where a police officer has
6 been furnished heretofore to serve as a bailiff, the
7 Chief Judge may continue to authorize the use of a
8 police officer as a bailiff and the municipality
9 shall be compensated therefor by the District Court.
10 A person now appointed to serve as bailiff may also
11 serve as court officer for a municipal police depart-
12 ment, as provided in this subsection, but shall be
13 compensated only for his services in one capacity.

14 Sec. 4. 30 MRSA §2, sub-§5, as enacted by PL
15 1977, c. 705, §2, is repealed.

16 STATEMENT OF FACT

17 This bill provides for the direct employment by
18 the Judicial Department of such bailiffs and other
19 court officers as are necessary to provide security
20 in its courts.

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