

MAINE STATE LEGISLATURE

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(New Draft of S.P. 655, L.D. 1846)

SECOND REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 2373

S.P. 874

In Senate, March 26, 1984

Reported by Senator Collins of Knox from the Committee on Judiciary
and printed under Joint Rule 2.

Original bill presented by Senator Trafton of Androscoggin.

JOY J. O'BRIEN, Secretary of the Senate

STATE OF MAINE

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

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

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

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

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

The court shall pay any municipality a flat fee of \$20 for each day or part thereof that a municipal law

1 enforcement officer, designated by the municipality
2 as its court officer, is required to be physically
3 present in a District Court in order to adequately
4 handle such municipality's caseload. In addition, the
5 court shall pay any municipality a flat fee of \$20
6 per day for every day or part thereof, but no more
7 than \$20 for any one day, such municipality loses the
8 services of one or more law enforcement officers be-
9 cause such officer or officers are performing some
10 act authorized or required by a District Court Rule
11 of Criminal Procedure or is a witness in a criminal
12 or traffic infraction case within the jurisdiction of
13 the District Court. A municipality shall be deemed to
14 have lost the services of a law enforcement officer
15 when such officer, who normally performs duties of
16 patrolling or maintaining order, is physically unable
17 to perform those duties of patrolling and maintaining
18 order for such municipality.

19 The sheriffs of the several counties shall designate
20 and furnish deputy sheriffs to serve as bailiffs in
21 each division of the District Court within their
22 counties, if so requested by the Chief Judge.

23 Compensation for such service shall be paid by the
24 District Court.

25 In those municipalities where a police officer has
26 been furnished heretofore to serve as a bailiff, the
27 Chief Judge may continue to authorize the use of a
28 police officer as a bailiff and the municipality
29 shall be compensated therefor by the District Court.
30 A person now appointed to serve as bailiff may also
31 not serve as court officer for a municipal police de-
32 partment, as provided in this subsection, but shall
33 be compensated only for his services in one capacity.

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STATEMENT OF FACT

2 This new draft addresses only one provision of
3 the law concerning bailiffs. The statutes currently
4 permit the court officer for a municipal police de-
5 partment, that is the police officer in court to
6 prosecute cases, to also serve as the bailiff. A po-
7 lice officer cannot, and should not, serve as a pros-
8 ecutor and a court security officer at the same time.
9 The bill as amended then, makes this practice
10 impermissible.

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