

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 179, L.D. 244, Bill, "An Act to Amend How Municipalities Designate Court Officers"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'4 MRSA §173, sub-§4, as amended by PL 1983, c. 742, 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 officer required to be present at an arraignment may be an officer other than the arresting officer, provided that the municipality has designated the officer to handle the arraignment caseload of that municipality. In addition, one or more municipalities may designate either a municipal law enforcement officer or a county law enforcement officer to represent the municipalities at arraignments on a rotating schedule.

The court shall pay any municipality a flat fee of \$20 for each day or part thereof that a municipal law enforcement officer, designated by the municipality as its court officer, is required to be physically present in a District Court in order to adequately handle such municipality's caseload. In addition, the court shall pay any municipality a flat fee of \$20 per day for every day or part thereof, but no more than \$20 for any one day, such municipality loses the services of one or more law enforcement officers because such the officer or officers are performing some act authorized or required by a District Court Rule of Criminal Procedure or is a witness in a criminal or traffic infraction case within the jurisdiction of the District

1 Court. A municipality shall be deemed to have lost the services
2 of a law enforcement officer when such the officer, who normally
3 performs duties of patrolling or maintaining order, is physically
4 unable to perform those duties of patrolling and maintaining
5 order for such the municipality.

6
7 The sheriffs of the several counties shall designate and furnish
8 deputy sheriffs to serve as bailiffs in each division of the
9 District Court within their counties, if so requested by the
10 Chief Judge.

11
12 Compensation for such service shall be paid by the District
13 Court.

14
15 In those municipalities where a police officer has been furnished
16 heretofore to serve as a bailiff, the Chief Judge may continue to
17 authorize the use of a police officer as a bailiff and the
18 municipality shall be compensated therefor by the District Court.
19 A person now appointed to serve as bailiff may not serve as court
20 officer for a municipal police department, as provided in this
21 subsection.

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23

24
25 **STATEMENT OF FACT**

26
27 This amendment retains the revision to the method of
28 designation of municipal court officers to represent
29 municipalities at arraignments. This amendment does not include
any changes to the current reimbursement provisions.

Reported by the Committee on Judiciary
Reproduced and distributed under the direction of the Clerk of the
House
4/14/89 (Filing No. H-69)