

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 244

H.P. 179

House of Representatives, February 16, 1989

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

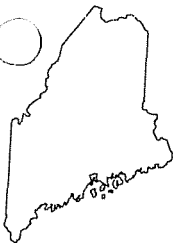
Presented by Representative RICHARD of Madison.

Cosponsored by Representative ROTONDI of Athens and Representative PAUL of Sanford.

STATE OF MAINE

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

An Act to Amend How Municipalities Designate Court Officers.



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

3 **4 MRSA §173, sub-§4, as amended by PL 1983, c. 742, is**
5 further amended to read:

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

21 The court officer required to be present at an arraignment may be
23 an officer other than the arresting officer, provided that the
25 municipality has designated the officer to handle the arraignment
27 caseload of that municipality. In addition, one or more
29 municipalities may designate either a municipal law enforcement
31 officer to represent the municipalities at arraignments on a
33 rotating schedule or a county law enforcement officer.

35 ~~The court shall pay any municipality a flat fee of \$20 for each~~
37 ~~day or part thereof that a municipal law enforcement officer,~~
39 ~~designated by the municipality as its court officer, is required~~
41 ~~to be physically present in a District Court in order to~~
43 ~~adequately handle such municipality's caseload. In addition, the~~
45 ~~The court shall pay any municipality a flat fee of \$20 per day~~
47 ~~for every day or part thereof, but no more than \$20 for any one~~
49 ~~day, such or the county which employs the law enforcement~~
51 ~~officer, the officer's hourly rate including overtime and the~~
cost of benefits for the time the officer is required to be
present in District Court to adequately handle the caseload. In
addition, the court shall pay any municipality or county the
officer's hourly rate, including overtime and the cost of
benefits, for every day or part of a day the municipality or
county 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 Court. A
municipality or county shall be deemed to have lost the services
of a law enforcement officer when such the officer, who normally
performs duties of patrolling or maintaining order, is physically
unable to perform those duties of patrolling and maintaining
order for such municipality.

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

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

3
5 In those municipalities where a police officer has been furnished
heretofore to serve as a bailiff, the Chief Judge may continue to
7 authorize the use of a police officer as a bailiff and the
municipality shall be compensated therefor by the District Court.
9 A person now appointed to serve as bailiff may not serve as court
officer for a municipal police department, as provided in this
subsection.

11

13 **STATEMENT OF FACT**

15 This bill improves the efficiency of the arraignment
process. Currently each municipality sends an arraignment
17 officer to court to represent only that municipality. This can
tie up the time of several officers from several different
19 municipalities. One officer could be designated to perform the
necessary duties at the time of arraignment for several
21 municipalities allowing other officers to perform their law
enforcement duties. This bill allows:

23

25 1. One municipality to designate an officer to handle all
of that municipality's arraignment caseload;

27

29 2. Several municipalities to agree to share arraignment day
responsibilities by designating one officer from one municipality
to handle a specific arraignment day for all of the departments;
or

31

33 3. Municipalities to contract with the sheriff's department
to allow a deputy to serve as the court officer.

35

37 This bill also amends the amount of reimbursement that the
court must pay a municipality or a county to reflect the actual
costs incurred while a law enforcement officer is in court,
either for arraignment or other court related business.