

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1539

H.P. 1106

House of Representatives, May 8, 1989

Reference to the Committee on Judiciary suggested and ordered printed.

Ed Pert

EDWIN H. PERT, Clerk

Presented by Representative PARADIS of Augusta.
Cosponsored by Representative HANLEY of Paris.

STATE OF MAINE

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

An Act to Amend the Law Relating to Court Security.



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

3 **4 MRSA §17, sub-§15, as amended by PL 1987, c. 776, §2, is**
5 further amended to read:

7 **15. Provide for court security. Plan and implement**
9 arrangements for safe and secure court premises to ensure the
11 orderly conduct of judicial proceedings. This includes the
13 authority to contract for the services of qualified deputy
15 sheriffs and other qualified individuals as needed on a per diem
17 basis to perform court security-related functions and services.
19 "Qualified deputy sheriffs and other qualified individuals" means
21 those individuals who hold valid certification as law enforcement
23 officers, as defined by the Maine Criminal Justice Academy,
25 pursuant to Title 25, chapter 341, to include successful
27 completion of such additional training in court security as
29 provided by the academy or equivalent training. When under such
31 contract and then only for the assignment specifically contracted
33 for, the qualified deputy sheriffs or other qualified individuals
35 shall have the same duties and powers throughout the counties of
37 the State as sheriffs have in their respective counties.
Qualified deputy sheriffs performing these contractual services
shall continue to be employees of the counties in which they are
deputized. The persons Other qualified individuals performing
such contractual services shall not be considered employees of
the State for any purpose, provided that the other qualified
individuals shall be treated as employees of the State for
purposes of the Maine Tort Claims Act and the Workers'
Compensation Act. They shall be paid a reasonable per diem fee
plus reimbursement of their actual, necessary and reasonable
expenses incurred in the performance of their duties, consistent
with policies established by the State Court Administrator.
Notwithstanding any other provision of law, such plans,
arrangements and files involving court security matters are
confidential. Nothing in this section precludes dissemination of
such information to another criminal justice agency.

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41 **STATEMENT OF FACT**

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43 This bill amends the law which authorizes the State Court
45 Administrator to enter into contractual arrangements with
47 qualified deputy sheriffs and other qualified individuals to
49 provide court security functions and services. The law as
51 currently written provides that those persons shall not be
considered employees of the State for any purpose. With respect
to law enforcement officers who have retired, but who otherwise
hold a valid certification from the Maine Criminal Justice
Academy, the Administrative Office of the Courts has encountered
difficulty in contracting with those individuals because of
issues concerning liability and the eligibility of the

1 individuals to come within the State's workers' compensation
plan. This bill will continue to provide that the persons
3 performing contractual court security services shall not be
considered employees of the State for any purpose, but provides
5 that they will be entitled to the benefits of the Maine Tort
Claims Act and the State's workers' compensation program.