

MAINE STATE LEGISLATURE

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

COMMITTEE AMENDMENT "A" to H.P. 1382, L.D. 1913, Bill, "An Act to Make Improvements in the Operation of the Judicial Department of the State"

Amend the bill by inserting after the title and before the enacting clause the following:

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation is necessary in order to clarify the responsibility for providing and paying for the security of the courts and the safety of the public with regard to prisoners; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, '

Further amend the bill in section 3 in subsection 4 in the 2nd blocked paragraph in the 10th line (page 2, line 10 in L.D.) by striking out the following: "District Court" and inserting in its place the following: '~~District Court~~ Maine'

Further amend the bill in section 3 in subsection 4 in the 3rd blocked paragraph by striking out all of the last sentence (page 2, lines 22 and 23 in L.D.) and inserting in its place the following: 'A deputy sheriff designated as bailiff must be approved by the resident judge and may not serve as a court officer for any law enforcement agency.'

Further amend the bill in section 4 in the first paragraph in the next to the last line (page 3, line 6 in L.D.) by inserting after the following: "any other county jail" the following: 'or to a state correctional facility'

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2 Further amend the bill in section 6 in that part designated
3 "\$1504." in the first line (page 3, line 17 in L.D.) by striking
4 out the following: "Jailer" and inserting in its place the
5 following: 'Sheriff'

6
7 Further amend the bill in section 6 in that part designated
8 "\$1504." in the first paragraph in the first line (page 3, line
9 20 in L.D.) and in the 6th line (page 3, line 25 in L.D.) by
10 striking out the following: "jailer" and inserting in its place
11 the following: 'jailer sheriff' and in the 9th line (page 3,
12 line 28 in L.D.) by striking out the following: "jailer" and
13 inserting in its place the following: 'sheriff'

14
15 Further amend the bill in section 6 in that part designated
16 "\$1504." in the first paragraph by striking out all of the last
17 sentence (page 3, lines 31 and 32 in L.D.) and inserting in its
18 place the following: '~~If the jailer fails to do so, the court
19 may impose a reasonable fine.~~'

20
21 Further amend the bill by inserting before the statement of
22 fact the following:

23
24 'Emergency clause. In view of the emergency cited in the
25 preamble, this Act takes effect when approved.

26
27
28 **FISCAL NOTE**

29
30 The Judicial Department may experience some cost savings by
31 allowing reasonable costs related to salaries and expenses for
32 officers serving in court to be agreed upon between the Judicial
33 Department and the respective counties. The projected savings
34 are based on a number of variables that are difficult to predict
35 and may produce total potential savings to the Judicial
36 Department of \$22,160 in fiscal year 1990-91.'

37
38
39
40 **STATEMENT OF FACT**

41
42 This amendment adds an emergency preamble and clause to
43 allow the bill to take effect immediately. This is necessary to
44 ensure the safety of our courts and the public in general by
45 clarifying the responsibility for the transportation and custody
46 of prisoners appearing in court.

47
48 The amendment updates a reference to the Maine Rules of
49 Criminal Procedure.

50
51 The amendment clarifies that the deputy sheriff appointed as
52 bailiff must be approved by the resident judge.

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2 The amendment ensures that the provisions regarding
4 transportation of prisoners apply to transporting prisoners from
a county jail to a state correctional facility as well as from
one county jail to another.

6 The amendment deletes the term "jailer" and replaces it with
8 the proper term "sheriff."

10 The amendment deletes a sentence in current law regarding
the court's ability to fine a sheriff who does not comply with a
12 duty owed to the court but imposed by law. The sentence does not
indicate whether that fine is intended to be civil or criminal.
14 Because the court already has the power to impose sanctions, it
is appropriate to delete this sentence to avoid confusion
16 regarding the court's contempt powers. No change in the
practical effect of the law is intended.

18 The amendment also adds a fiscal note.
20

Reported by the Committee on Judiciary
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