MAINE STATE LEGISLATURE

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2 (Filing No. S-261) STATE OF MAINE SENATE A 115TH LEGISLATURE FIRST REGULAR SESSION 10 12 COMMITTEE AMENDMENT "A" to S.P. 554, L.D. 1458, Bill, "An Act Relating to Court Security Personnel" 14 Amend the bill by inserting after the title and before the 16 enacting clause the following: 18 'Emergency preamble. Whereas, Acts of the Legislature do not 20 become effective until 90 days after adjournment unless enacted as emergencies; and 22 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; 26 and 28 Whereas, Androscoggin County has not entered agreement with the Judicial Department for court security 30 services pursuant to the provisions of Public Law 1989, chapter 722, section 1; and 32 Whereas, a transfer of court officers from county to state 34 employment provides the most effective means of controlling court security costs in Androscoggin County; and 36 Whereas, a transfer of available funds and an increase in the Judicial Department position count are necessary to carry out 38 the purposes of this Act; and 40 Whereas, in the judgment of the Legislature, these facts 42 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

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safety; now, therefore,'

2	ruither amend the bill by Stilking out all of Sections 2 and
4	3 (page 1, lines 50 and 51 and page 2, lines 1 and 2 in L.D.) and inserting in their place the following:
6	'Sec. 2. 4 MRSA §25, as amended by PL 1989, c. 722, § 1, is
8	further amended to read:
0	§25. Reimbursement of counties for salaries and expenses of
10	court and jury officers
12	The Judicial Department shall, each quarter, reimburse compensate each county for those reasonable costs related to
14	salaries and expenses as agreed upon between the Judicial Department and the respective county that-have-been-paid-by-that
16	sounty-during-the-previous-quarter. The reimbursement-shall
10	compensation may be only for the number of court security
18	officers requested to serve the court either in that county or
	another by the Judicial Department.
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	The Judicial Department shall include sufficient funds for
22	this reimbursement compensation within its operating budget.
24	Sec. 3. 30-A MRSA §2, sub-§4, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:
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	4. Salaries and expenses of court and jury officers. Each
28	county shall pay the salaries and expenses of bailiffs and other court and jury officers who work for courts located in that
30	county. The Judicial Department shall reimburse compensate each county quarterly for these salaries and expenses as provided in
32	Title 4, section 25.
34	Sec. 4. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.
36	from the deneral rand to tarry out the purposes of this set.
	1991-92 1992-93
38	JUDICIAL DEPARTMENT
40	ACINICIAE DEFARTMENT
-PW	Courts - Supreme, Superior,
42	District and Administrative
44	Positions - Legislative Count (3.0) (3.0)
44	Personal Services \$73,422 \$73,422
46	All Other (73,422) (73,422)
±0	(10)100/ (10)100/
48	Provides for the line
	category transfer of funds
50	for 3 Court Officer positions
	to perform court security.

JUDICIAL DEPARTMENT TOTAL

\$-0-

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

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FISCAL NOTE

This bill provides authorization and funding for 3 positions for court security through the transfer of funds from the All Other line category to Personal Services. The funds to contract for court security services are included in the proposed Judicial Department's General Fund budget.'

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STATEMENT OF FACT

Under current law, the State Court Administrator contract with qualified deputy sheriffs or other individuals to provide court security-related services and functions. When the State Court Administrator contracts for such services, individuals performing those services are not considered state employees. This amendment allows the Judicial Department to enter into a wider range of compensation arrangements for court security services with counties. Alternative payment plans may be better suited to particular county operations and will not impair the quality of such services to the Judicial Department. This amendment specifically authorizes the Judicial Department to hire qualified personnel as state employees to perform court security functions in Androscoggin County. In order accomplish this, this amendment increases the Judicial Department position count by 3 and provides for the transfer of funds from the All Other account to the Personal Services account with no additional appropriation of funds required.

This amendment also includes a fiscal note.

Reported by Senator Gauvreau for the Committee on Judiciary. Reproduced and Distributed Pursuant to SEnate Rule 12. (5/30/91) (Filing No. S-261)