

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1458

S.P. 554

In Senate, April 11, 1991

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

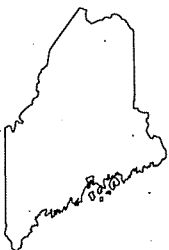
JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GAUVREAU of Androscoggin
Cosponsored by Senator BERUBE of Androscoggin, Representative POULIOT of Lewiston
and Representative COTE of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act Relating to Court Security Personnel.



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

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4 Sec. 1. 4 MRSA §17, sub-§15, as amended by PL 1989, c. 324, is
4 further amended to read:

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

38 In addition to the foregoing authority, the State Court
40 Administrator may employ other qualified individuals to perform
40 court security-related functions and services. These employees
42 must have a valid certification as law enforcement officers, as
42 defined by Title 25, chapter 341, including successful completion
44 of additional training in court security as provided by the Maine
44 Criminal Justice Academy or equivalent training and, when on
46 assignment for court security functions, have the same powers and
46 duties throughout the counties of the State as sheriffs have in
48 their respective counties. These individuals are state employees
48 for all purposes.

50 Sec. 2. 4 MRSA §25, as amended by PL 1989, c. 722, §1, is
52 repealed.

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2 **Sec. 3. 30-A MRSA §2, sub-§4**, as amended by PL 1989, c. 104,
Pt. C, §§8 and 10, is repealed.

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STATEMENT OF FACT

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Under current law, the State Court Administrator may 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, the individuals performing those services are not considered state employees. This bill grants to the State Court Administrator the authority to hire as employees qualified individuals to perform court security-related services and functions.