

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

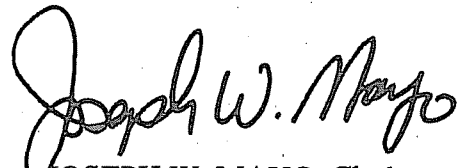
No. 934

H.P. 693

House of Representatives, March 18, 1993

**An Act to Compensate Towns and Counties for Time Police Officers
Spend in Court.**

Reference to the Committee on State and Local Government suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative LEMONT of Kittery.
Cosponsored by Senator GOULD of Waldo and
Representatives: CAMERON of Rumford, CARR of Sanford, DONNELLY of Presque Isle,
JOY of Island Falls, LINDAHL of Northport, MARSHALL of Eliot, MURPHY of Berwick,
NORTON of Winthrop, Senator: LAWRENCE of York.

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

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4 **Sec. 1. 4 MRSA §173, sub-§4**, as amended by PL 1991, c. 780,
Pt. X, §2, is further amended to read:

6 **4. Distribution of fees and fines.** All law enforcement
8 officers appearing for a scheduled trial in District Court at
times other than their regular working hours, at the order of a
10 prosecuting official and whether or not they are called upon to
12 give testimony, ~~must be compensated out of the General Fund at~~
~~the rate of \$10 for each day or part of a day that the officer is~~
required to be physically present on an hourly basis equal to
that established by the State for the salary range and step level
14 of the officers who are testifying.

16 The court officer required to be present at an arraignment may be
18 an officer other than the arresting officer, provided that the
municipality has designated the officer to handle the arraignment
20 caseload of that municipality. In addition, one or more
municipalities may designate either a municipal law enforcement
22 officer or a county law enforcement officer to represent the
municipalities at arraignments on a rotating schedule.

24 The court shall pay any municipality ~~a flat fee of \$10~~ or county
26 on an hourly basis equal to that established by the State for the
salary range and step level of the officer who is testifying for
each day or part of a day that a municipal or county law
28 enforcement officer, designated by the municipality or county as
its court officer, is required to be physically present in a
30 District Court in order to adequately handle that municipality's
or county's caseload. In addition, the court shall pay any
32 municipality ~~a flat fee of \$10 per day~~ or county on an hourly
basis equal to that established by the State for the salary range
34 and step level of the officer who is testifying for every day or
part of a day, ~~but no more than \$10 for any one day~~, the
36 municipality or county loses the services of one or more law
enforcement officers because the officer or officers are
38 performing some act authorized or required by a Maine Rule of
Criminal Procedure or are witnesses in a criminal or traffic
40 infraction case within the jurisdiction of the District Court. A
municipality or county is deemed to have lost the services of a
42 law enforcement officer when the officer, who normally performs
duties of patrolling or maintaining order, is physically unable
44 to perform those duties of patrolling and maintaining order for
the municipality or county.

46 The sheriffs of the several counties shall designate and furnish
48 deputy sheriffs to serve as bailiffs in each division of the
District Court within their counties, if so requested by the
50 Chief Judge. A deputy sheriff designated as bailiff must be
approved by the resident judge and may not serve as a court
52 officer for any law enforcement agency.

2 Compensation for reasonable and necessary expenses, as agreed to
by the parties, must be paid by the District Court.

4
6 In those municipalities where a police officer has been furnished
to serve as a bailiff, the Chief Judge may continue to authorize
8 the use of a police officer as a bailiff and the municipality
must be compensated by the District Court. A person now appointed
10 to serve as bailiff may not serve as court officer for a
municipal police department, as provided in this subsection.

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STATEMENT OF FACT

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16 This bill permits counties to be reimbursed for the time a
law enforcement officer is required to be in court and to
18 compensate officers who are in court on days off. The bill also
changes the rate at which an officer and the municipalities and
counties will be reimbursed for the time that an officer spends
20 in court from \$10 a day to the hourly rate that the officer is
entitled to in accordance with the salary range and step level
22 set by the State.