

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

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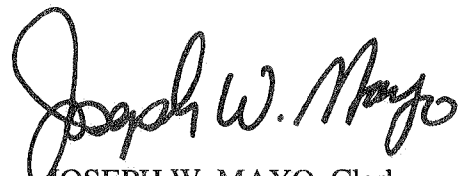
H.P. 36

House of Representatives, January 9, 1997

**An Act to Require Reimbursement to Counties for Services Rendered by
County Law Enforcement Officers.**

(EMERGENCY)

Reference to the Committee on Judiciary suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative WHEELER of Bridgewater.
Cosponsored by Senator FERGUSON of Oxford and
Representatives: BUNKER of Kossuth Township, CLUKEY of Houlton, McALEVEY of
Waterboro, O'NEAL of Limestone, PINKHAM of Lamoine.

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

4
6 **Whereas,** currently, a municipality is compensated by the
court when a law enforcement officer from that municipality is
required to be in court to handle the municipality's caseload or
to act as a witness in a criminal or traffic infraction case or
to perform some act authorized or required under the Maine Rules
of Criminal Procedure; and

12 **Whereas,** a county whose law enforcement officer is in court
performing the same duties as the municipal law enforcement
officer is not compensated by the court; and

16 **Whereas,** this is an unequal treatment of law enforcement
officers that results in a loss of revenue for the counties; and

18
20 **Whereas,** it is necessary to correct this unequal treatment
as quickly as possible; and

22 **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,

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

30 **Sec. 1. 4 MRSA §173, sub-§4,** as amended by PL 1993, c. 675,
Pt. B, §9, is further amended to read:

32 **4. Distribution of fees and fines.** All law enforcement
34 officers appearing for a scheduled trial in District Court at
times other than their regular working hours, at the order of a
36 prosecuting official and whether or not they are called upon to
give testimony, must be compensated out of the General Fund at
38 the rate of \$10 for each day or part of a day that the officer is
required to be physically present.

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

48 The court shall pay any municipality or county a flat fee of \$10
50 for each day or part of a day that a municipal or county law
enforcement officer, designated by the municipality or county as

2 its court officer, is required to be physically present in a
District Court in order to adequately handle that municipality's
4 or county's caseload. In addition, the court shall pay any
municipality or county a flat fee of \$10 per day for every day or
6 part of a day, but no more than \$10 for any one day, the
municipality or county loses the services of one or more law
8 enforcement officers because the officer or officers are
performing some act authorized or required by the Maine Rules of
10 Criminal Procedure or are witnesses in a criminal or traffic
infraction case within the jurisdiction of the District Court. A
12 municipality or county is considered to have lost the services of
a law enforcement officer when the officer, who normally performs
14 duties of patrolling or maintaining order, is physically unable
to perform those duties of patrolling and maintaining order for
the municipality or county.

16
18 The sheriffs of the several counties shall designate and furnish
deputy sheriffs to serve as bailiffs in each division of the
District Court within their counties, if so requested by the
20 Chief Judge. A deputy sheriff designated as bailiff must be
approved by the Chief Judge and may not serve as a court officer
22 for any law enforcement agency.

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

26
28 In those municipalities where a police officer has been furnished
to serve as a bailiff, the Chief Judge may continue to authorize
the use of a police officer as a bailiff and the municipality
30 must be compensated by the District Court. A person now appointed
to serve as bailiff may not serve as court officer for a
32 municipal police department, as provided in this subsection.

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

38 SUMMARY

40 This bill requires counties to be compensated by courts for
the use of county law enforcement officers in the same manner as
42 municipalities are compensated for the use of municipal law
enforcement officers.