

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 1382

S.P. 436

In Senate, March 5, 1997

**An Act to Reimburse Law Enforcement Agencies for Their Costs  
Related to the Prosecution of Criminal and Traffic Violations.**

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Reference to the Committee on Criminal Justice 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 CLEVELAND of Androscoggin.  
Cosponsored by Senator MURRAY of Penobscot.

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

2  
3       **Sec. 1. 4 MRSA §173, sub-§4**, as amended by PL 1993, c. 675,  
4 Pt. B, §9, is further amended to read:

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

14  
15 The court officer required to be present at an arraignment may be  
16 an officer other than the arresting officer, provided that the  
17 municipality has designated the officer to handle the arraignment  
18 caseload of that municipality. In addition, one or more  
19 municipalities may designate either a municipal law enforcement  
20 officer or a county law enforcement officer to represent the  
21 municipalities at arraignments on a rotating schedule.

22  
23 The court shall pay any municipality a flat fee of \$10 \$20 for  
24 each day or part of a day that a municipal law enforcement  
25 officer, designated by the municipality as its court officer, is  
26 required to be physically present in a District Court in order to  
27 adequately handle that municipality's caseload. In addition, the  
28 court shall pay any municipality a flat fee of \$10 \$20 per day  
29 for every day or part of a day, but no more than \$10 \$20 for any  
30 one day, the municipality loses the services of one or more law  
31 enforcement officers because the officer or officers are  
32 performing some act authorized or required by the Maine Rules of  
33 Criminal Procedure or are witnesses in a criminal or traffic  
34 infraction case within the jurisdiction of the District Court. A  
35 municipality is considered to have lost the services of a law  
36 enforcement officer when the officer, who normally performs  
37 duties of patrolling or maintaining order, is physically unable  
38 to perform those duties of patrolling and maintaining order for  
39 the municipality.

40  
41 The sheriffs of the several counties shall designate and furnish  
42 deputy sheriffs to serve as bailiffs in each division of the  
43 District Court within their counties, if so requested by the  
44 Chief Judge. A deputy sheriff designated as bailiff must be  
45 approved by the Chief Judge and may not serve as a court officer  
46 for any law enforcement agency.

47  
48 Compensation for reasonable and necessary expenses, as agreed to  
49 by the parties, must be paid by the District Court.  
50

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

8

### SUMMARY

10

This bill reimburses law enforcement agencies for the cost  
12 of sending off-duty officers to testify in court.

14

The bill also increases the compensation for the designated  
court officer from \$10 to \$20 per day.