

# MAINE STATE LEGISLATURE

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M.S.

L.D. 1897

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DATE: 6-1-97

(Filing No. H-770)

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
118TH LEGISLATURE  
FIRST SPECIAL SESSION

HOUSE AMENDMENT "A" to H.P. 1350, L.D. 1897, Bill, "An Act Concerning Tax Relief"

Amend the bill by inserting after Part F the following:

PART G

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

4. **Distribution of fees and fines.** All law enforcement officers appearing for a scheduled trial in District Court at times other than their regular working hours, at the order of a prosecuting official and whether or not they are called upon to give testimony, must be compensated ~~out-of-the-General-Fund~~ at the rate of ~~\$10~~ \$30 for each day or part of a day that the officer is required to be physically present.

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

The court shall pay any municipality or county a flat fee of ~~\$10~~ \$30 for each day or part of a day that a municipal law

HOUSE AMENDMENT

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2 enforcement officer, designated by the municipality as its court  
 3 officer, or a county law enforcement officer, designated by the  
 4 county as its court officer, is required to be physically present  
 5 in a District Court in order to adequately handle that  
 6 municipality's caseload or county's case load. In addition, the  
 7 court shall pay any municipality or county a flat fee of ~~\$10~~ \$30  
 8 per day for every day or part of a day, but no more than ~~\$10~~ \$30  
 9 for any one day, the municipality or county loses the services of  
 10 one or more law enforcement officers because the officer or  
 11 officers are performing some act authorized or required by the  
 12 Maine Rules of Criminal Procedure or are witnesses in a criminal  
 13 or traffic infraction case within the jurisdiction of the  
 14 District Court. A municipality or county is considered to have  
 15 lost the services of a law enforcement officer when the officer,  
 16 who normally performs duties of patrolling or maintaining order,  
 17 is physically unable to perform those duties of patrolling and  
 18 maintaining order for the municipality or county.

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

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

27 In those municipalities where a police officer has been furnished  
 28 to serve as a bailiff, the Chief Judge may continue to authorize  
 29 the use of a police officer as a bailiff and the municipality  
 30 must be compensated by the District Court. A person now appointed  
 31 to serve as bailiff may not serve as court officer for a  
 32 municipal police department, as provided in this subsection.  
 33

34  
 35 **Sec. G-2. Allocation.** The following funds are allocated from  
 36 the Tax Relief Fund for Maine Residents to carry out the purposes  
 37 of this Act.

	1997-98	1998-99
<b>JUDICIAL DEPARTMENT</b>		
<b>Courts - Supreme, Superior, District and Administrative</b>		
48 All Other	\$158,235	\$210,980
50 Provides funds to increase the reimbursement for county		

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2 and municipal law enforcement  
3 officers for court officer  
4 services or for serving as  
5 witnesses.'

6 Further amend the bill by relettering or renumbering any  
7 nonconsecutive Part letter or section number to read  
8 consecutively.

10 **FISCAL NOTE**

12 **1997-98** **1998-99**

14 **APPROPRIATIONS/ALLOCATIONS**

16 Other Funds \$158,235 \$210,980

18  
20 This amendment includes additional allocations from the Tax  
21 Relief Fund for Maine Residents of \$158,235 in fiscal year  
22 1997-98 and \$210,980 in fiscal year 1998-99 to the Judicial  
23 Department to increase the reimbursement for law enforcement  
24 officers from \$10 per day to \$30 per day for serving as court  
25 officers or as witnesses. The estimated costs for increasing the  
26 fee to \$30 per day for court officer services are \$160,980  
27 annually. The estimated costs associated with the witness fees  
28 may range between \$50,000 and \$150,000 annually. The allocation  
29 amounts include only the minimum amounts in this estimated range  
30 for witness services.

32 This amendment also increases the amount that must be  
33 certified as existing in the Property Tax Relief Fund by  
34 \$369,215, before this bill becomes effective.

36 **SUMMARY**

38 This amendment provides allocations from the Tax Relief Fund  
39 for Maine Residents to increase reimbursement for county and  
40 municipal law enforcement officers for court officer duties and  
41 for serving as witnesses.

44  
46 SPONSORED BY: *George Kerr*  
47 (Representative KERR)

48 TOWN: Old Orchard Beach  
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