

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

SECOND REGULAR SESSION-1998

Legislative Document

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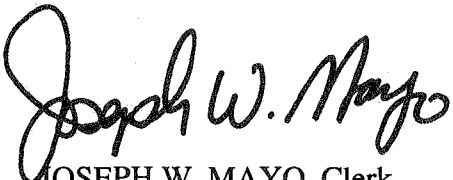
H.P. 1527

House of Representatives, January 21, 1998

**An Act to Implement the Recommendations of the Working Group on
Motor Vehicle Fines, Enforcement and Reimbursement.**

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Transportation suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative LEMONT of Kittery.

Cosponsored by Representatives: CHICK of Lebanon, JABAR of Waterville, JONES of Greenville, NASS of Acton, SAVAGE of Union, THOMPSON of Naples, WHEELER of Bridgewater, WHEELER of Eliot.

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

Sec. 1. 4 MRSA §173, sub-§4, as amended by PL 1993, c. 675, Pt. B, §9, is repealed.

Sec. 2. 4 MRSA §173, sub-§§4-A and 4-B are enacted to read:

4-A. Law enforcement officer services, reimbursement and compensation. The court shall reimburse or compensate municipalities and counties for law enforcement officer services as follows.

A. The court shall reimburse the municipality or county that employs the law enforcement officer a flat fee of \$40 for each day or part of a day that a law enforcement officer is physically present for a scheduled trial in District Court, whether or not the officer is called upon to give testimony.

B. The court shall pay a municipality a flat fee of \$40 for each day or part of a day that a municipal law enforcement officer, designated by the municipality as its court officer, is physically present in a District Court in order to adequately handle that municipality's case load.

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

C. 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 requested by the Chief Judge. A deputy sheriff designated as bailiff must be approved by the Chief Judge and may not serve as a court officer for any law enforcement agency. Compensation for reasonable and necessary expenses, as agreed to by the parties, must be paid by the District Court.

In a municipality 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 District Court shall compensate the municipality. A person appointed to serve as bailiff may not serve as court officer for a municipal police department as provided in this subsection.

2 4-B. Law Enforcement Agency Reimbursement Fund. The Law
3 Enforcement Agency Reimbursement Fund is established as a
4 nonlapsing, dedicated fund within the Administrative Office of
5 the Courts.

6 A. The Administrative Office of the Courts shall use the
7 fund to reimburse municipalities and counties pursuant to
8 subsection 4-A.

10 B. Eight percent of fines and forfeitures collected for
11 traffic infractions must be deposited in the fund as
12 provided in Title 29-A, section 2602, subsection 4,
13 paragraph A.

14 C. The balance remaining in the fund at the end of the
15 fiscal year must be transferred to the General Fund.

16 D. If there is a deficit in the fund at the end of the
17 fiscal year, the Treasurer of State shall transfer a
18 sufficient amount from the General Fund to balance the fund.

20 Sec. 3. 29-A MRSA §2602, sub-§4, as enacted by PL 1993, c.
21 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the
22 following enacted in its place:

24 4. Fines. Fines and forfeitures collected under this Title
25 accrue to the General Fund, except that:

26 A. Eight percent of fines and forfeitures collected for all
27 traffic infractions, notwithstanding sections 525, 561, 1767
28 and 2363, accrues to the Law Enforcement Agency
29 Reimbursement Fund established in Title 4, section 173,
30 subsection 4-B; and

31 B. Of fines and forfeitures collected under sections 511,
32 2356, 2360, 2380, 2387 and 2388, only \$5 or 13%, whichever
33 is greater, accrues to the General Fund, 8% accrues to the
34 Law Enforcement Agency Reimbursement Fund and the balance
35 accrues to the General Highway Fund.

36 Sec. 4. 30-A MRSA §3009, sub-§1, ¶B, as amended by PL 1997, c.
37 392, §1, is further amended to read:

38 B. The municipal officers may regulate the operation of all
39 vehicles in the public ways and on publicly owned property.

40 (1) The violation of any ordinance authorized by this
41 paragraph is a civil violation.

42 (2) A municipality may not adopt or enforce an
43 ordinance authorized by this paragraph that is the same

as or conflicts with any speed or other traffic control limits imposed by the Department of Transportation pursuant to Title 29-A. ~~This subparagraph is repealed 90 days after adjournment of the Second Regular Session of the 118th Legislature.~~

SUMMARY

This bill contains the legislative recommendations of the Working Group on Motor Vehicle Fines, Enforcement and Reimbursement. The bill addresses reimbursement for municipal and county law enforcement agencies whose officers are required to be present in District Court as well as the moratorium on local traffic ordinances enacted in Public Law 1997, chapter 392.

This bill repeals the Maine Revised Statutes, Title 4, section 173, subsection 4.

The law authorizing municipalities to designate a law enforcement officer as the court officer to handle arraignments is reworded but retained. The reimbursement to the municipality or county supplying the court officer is increased from \$10 a day to \$40 a day.

The court reimbursement rate for municipal law enforcement officers who are required to appear in court is \$10 a day. This bill increases the reimbursement to \$40 a day, adds county law enforcement officers, clarifies that the reimbursement is paid to the municipality or county and clarifies that the reimbursement is \$40 regardless of whether the officer is appearing during regular working hours, while off duty or while working overtime. The working group arrived at the figure of \$40 a day after reviewing current municipal costs for officers appearing in court.

This bill creates a separate fund out of which the Administrative Office of the Courts shall pay the reimbursements to the municipalities and counties. Eight percent of all traffic infraction revenue will be deposited in the fund. At the end of each fiscal year, any balance remaining in the fund will be transferred to the General Fund. If there is a deficit in the fund, a transfer will be made from the General Fund.

This bill repeals the sunset on the new law prohibiting municipalities from adopting ordinances that are the same as or conflict with the state laws governing speed and other traffic control limits. The bill makes the explicit prohibition permanent.