

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 2067

H.P. 1446

House of Representatives, March 30, 1999

**An Act to Expand Pretrial Services for the Bail and Supervision of  
Criminal Defendants Statewide.**

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative FRECHETTE of Biddeford.  
Cosponsored by Senator MURRAY of Penobscot and  
Representatives: DUGAY of Cherryfield, MAILHOT of Lewiston, MUSE of South Portland,  
POVICH of Ellsworth, SAVAGE of Buxton, SAXL of Portland, THOMPSON of Naples,  
Senator: O'GARA of Cumberland.

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

4 Sec. 1. 4 MRSA c. 1, sub-c.-I-F is enacted to read:

6 SUBCHAPTER I-F

8 PRETRIAL SERVICES

10 §35. Pretrial services

12 1. Pretrial services. The State Court Administrator shall  
establish guidelines for contracting with private providers to  
ensure that effective pretrial services are provided as an  
alternative to bail for indigent criminal defendants.

16 2. Initial contract award. The State Court Administrator  
shall award new contracts through a request-for-proposal  
procedure.

20 3. Contract renewal. A contract that is renewed must be  
awarded through a request-for-proposal procedure every 2 years,  
except that a renewal contract with a provider is not subject to  
the request-for-proposal procedure requirement if the contract  
granted under this section is performance-based, unless the State  
Court Administrator determines that:

26 A. The provider has breached the existing contract;

28 B. The provider has failed to correct deficiencies cited by  
the State Court Administrator;

32 C. The provider is inefficient or ineffective in the  
delivery of services and is unable to improve its  
performance within a reasonable time; or

34 D. The provider can not or will not respond to a  
reconfiguration of service delivery requested by the State  
Court Administrator.

36 4. Rules. The State Court Administrator may not issue  
requests for proposals for contract services until the State  
Court Administrator has adopted rules in accordance with the  
Maine Administrative Procedure Act to ensure that the reasons for  
which services are placed out for bid, the performance standards  
and the manner in which compliance is evaluated are specified and  
that any change in provider is accomplished in a manner that  
fully protects the client. Rules adopted pursuant to this  
section are routine technical rules as defined by Title 5,  
chapter 375, subchapter II-A.

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## SUMMARY

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This bill directs the State Court Administrator of the Administrative Office of the Courts to establish guidelines for and award contracts to providers of pretrial services. The bill ensures that alternatives to bail are provided for indigent defendants throughout the State.

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