

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 385

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H.P. 307

House of Representatives, January 30, 2001

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### **An Act to Amend the Laws Governing Bail.**

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Reference to the Committee on Criminal Justice suggested and ordered printed.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative SKOGLUND of St. George.  
Cosponsored by Senator PENDLETON of Cumberland and  
Representatives: GOODWIN of Pembroke, HALL of Bristol, TRACY of Rome, TRAHAN of  
Waldoboro, VOLENIK of Brooklin, Senator: SAVAGE of Knox.

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

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**Sec. 1. 15 MRSA §1023, sub-§2,** as amended by PL 1995, c. 356, §3, is further amended to read:

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**2. Appointment.** The Chief Judge of the District Court may appoint one or more residents of the State as bail commissioners. A bail commissioner serves at the pleasure of the Chief Judge of the District Court, but no term for which a bail commissioner is appointed may exceed 5 years. The Chief Judge of the District Court shall require bail commissioners to complete the necessary training requirements set out in this section. Bail commissioners have the powers of notaries public to administer oaths or affirmations in carrying out their duties. A sheriff may appoint one or more employees of that sheriff's county jail to serve as bail commissioners.

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**Sec. 2. 15 MRSA §1023, sub-§5,** as amended by PL 1999, c. 15, §1, is further amended to read:

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**5. Fees.** A bail commissioner is entitled to receive a fee not to exceed \$40 for the charges pursuant to which the defendant is presently in custody. The bail commissioner shall submit such forms as the Judicial Department directs to verify the amount of fees received under this subsection. The sheriff of the county in which the defendant is detained may create a fund for the distribution by the sheriff or the sheriff's designee for the payment in whole or in part of the \$40 bail commissioner fee for those defendants who do not have the financial ability to pay that fee. A fee that is received by a bail commissioner who is a county employee appointed by the sheriff must be paid to the county.

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**SUMMARY**

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This bill allows sheriffs to appoint county jail employees as bail commissioners with any fee received to be paid to the county.