

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 581

H.P. 419

House of Representatives, February 17, 2009

An Act To Allow Law Enforcement Officers To Obtain a Personal Recognizance Bond in Certain Cases

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CLEARY of Houlton.

Cosponsored by Representatives: CONNOR of Kennebunk, HUNT of Buxton, MARTIN of Eagle Lake, SCHATZ of Blue Hill, SMITH of Monmouth, Senators: GERZOWSKY of Cumberland, RECTOR of Knox.

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

2 **Sec. 1. 14 MRSA §3135, 2nd ¶,** as amended by PL 1987, c. 708, §10, is further
3 amended to read:

4 After a civil order of arrest has been issued, the sheriff shall cause the individual
5 named in the order to be arrested and shall deliver ~~him~~ the individual without undue delay
6 to the division of the District Court designated in the civil order of arrest or obtain from
7 the debtor a personal recognizance bond to appear in court at the specified date and time.
8 Shou'd the debtor fail to appear at that time a warrant may issue for the debtor's arrest.
9 The sheriff may take such steps as ~~he determines~~ determined necessary for ~~his~~ the
10 sheriff's safety or the safety of others then present, including searching the debtor for
11 weapons, if ~~he~~ the sheriff has a reasonable suspicion that the debtor has a weapon, and
12 handcuffing the debtor if that is necessary to transport the debtor to the court or to cause
13 the debtor to remain peaceably at the court. Upon arrival at the court, the sheriff shall
14 notify the clerk or bailiff that the debtor is present and may release the debtor into the
15 custody of the bailiff. The sheriff shall instruct the debtor that the debtor must wait at the
16 court until released by the court or clerk. Upon release of the debtor into the custody of
17 the bailiff, the sheriff need not remain with the debtor at the court. A debtor who fails to
18 appear for the disclosure hearing after being released upon the debtor's personal
19 recognizance commits a Class E crime.

20 **Sec. 2. 14 MRSA §3135, 4th ¶,** as amended by PL 1995, c. 694, Pt. D, §20 and
21 affected by Pt. E, §2, is further amended to read:

22 Unless the judgment debtor shows good cause for failure to appear after being duly
23 served with a disclosure subpoena under section 3123, a contempt subpoena under
24 section 3136 or an order to appear and disclose under Title 19-A, section 2361, the debtor
25 must be ordered to pay the costs of issuing and serving the civil order for arrest. The
26 costs of issuing and serving the civil order for arrest are ~~\$25~~ \$50 plus mileage at a rate
27 of ~~22¢~~ 42¢ per mile. The fee payable to sheriffs and their deputies for civil orders for arrest
28 is governed by Title 30-A, section 421, subsection 6.

29 **Sec. 3. 30-A MRSA §421, sub-§6,** as amended by PL 1991, c. 498, §2, is further
30 amended to read:

31 **6. Civil arrests and custody.** For civil arrests and custody under the arrest,
32 including arrest and custody under paternity proceedings, ~~\$25~~ \$50 plus mileage at a rate
33 of ~~22¢~~ 42¢ per mile;

34 **SUMMARY**

35 This bill amends the civil order of arrest law by allowing a sheriff to release a debtor
36 upon the debtor's personal recognizance and increases the costs of the arrest order from
37 \$25 to \$50 and the mileage rate from 22¢ to 42¢ per mile.