

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1543

H.P. 1132

House of Representatives, May 3, 2011

An Act To Allow Counties To Opt Out of Maine Judicial Marshal Service

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative BURNS of Whiting.
Cosponsored by President RAYE of Washington and
Representatives: DAVIS of Sangerville, KNAPP of Gorham, LONG of Sherman, PLUMMER
of Windham, Senators: MASON of Androscoggin, WHITTEMORE of Somerset.

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

2 **Sec. 1. 4 MRSA §17, sub-§15, ¶A,** as enacted by PL 2003, c. 400, §1, is
3 amended to read:

4 A. The State Court Administrator may contract for the services of qualified
5 individuals as needed on a per diem basis to perform court security-related functions
6 and services.

7 (1) For the purposes of this subsection, "qualified individuals" means individuals
8 who are certified pursuant to Title 25, section 2804-B or 2804-C and have
9 successfully completed additional training in court security provided by the
10 Maine Criminal Justice Academy or equivalent training.

11 (2) When under contract pursuant to this paragraph and then only for the
12 assignment specifically contracted for, qualified individuals have the same duties
13 and powers throughout the counties of the State as sheriffs have in their
14 respective counties.

15 (3) Qualified deputy sheriffs performing contractual services pursuant to this
16 paragraph continue to be employees of the counties in which they are deputized.

17 (4) Qualified individuals other than deputy sheriffs performing contractual
18 services pursuant to this paragraph may not be considered employees of the State
19 for any purpose, except that they must be treated as employees of the State for
20 purposes of the Maine Tort Claims Act and the Maine Workers' Compensation
21 Act of 1992. They must be paid reasonable per diem fees plus reimbursement of
22 actual, necessary and reasonable expenses incurred in the performance of their
23 duties, consistent with policies established by the State Court Administrator.

24 (5) If a county elects to have its court security services provided by its qualified
25 deputy sheriffs, the State Court Administrator shall contract with that county
26 sheriff's office for the performance of court security-related functions and
27 services. In accordance with Title 4, section 25, the Judicial Department shall
28 compensate the county for these salaries and expenses.

29 **Sec. 2. 30-A MRSA §2, sub-§4,** as amended by PL 1991, c. 570, §3, is further
30 amended to read:

31 **4. Salaries and expenses of court and jury officers.** Each county shall pay the
32 salaries and expenses of bailiffs and other court and jury officers who work for courts
33 located in that county. In accordance with Title 4, section 17, subsection 15, paragraph
34 A, subparagraph 5, a county may elect to have its court security services provided by its
35 qualified deputy sheriffs. The Judicial Department shall compensate each county for these
36 salaries and expenses as provided in Title 4, section 25.

37 **SUMMARY**

38 This bill provides that if a county elects to have its court security services provided
39 by its qualified deputy sheriffs, the State Court Administrator shall contract with that

1 county sheriff's office for the performance of court security-related functions and
2 services.