

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

SECOND SPECIAL SESSION

July 29, 2005

SECOND REGULAR SESSION

January 4, 2006 to May 24, 2006

THE GENERAL EFFECTIVE DATE FOR

SECOND SPECIAL SESSION

NON-EMERGENCY LAWS IS

OCTOBER 28, 2005

THE GENERAL EFFECTIVE DATE FOR

SECOND REGULAR SESSION

NON-EMERGENCY LAWS IS

AUGUST 23, 2006

**PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.**

Penmor Lithographers

Lewiston, Maine

2006

Advisory Committee consisting of 7 8 members, to include:

- A. A representative of the faculty at the Maine Criminal Justice Academy;
- B. A liquor enforcement officer;
- C. A representative of the Department of the Attorney General;
- D. A representative of the Office of Substance Abuse;
- E. A representative of the education community;
- F. A representative of a statewide liquor licensee organization; ~~and~~
- G. A representative of a statewide trial lawyers organization; ~~and~~
- H. A representative of the alcohol bureau.

See title page for effective date.

CHAPTER 540

H.P. 1404 - L.D. 2002

An Act To Give Superior Court Clerks and Deputy Clerks the Authority To Issue Process for the Arrest of Persons Charged with Crimes

Emergency preamble. Whereas, acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Supreme Judicial Court made changes effective January 1, 2006 in the Maine Rules of Criminal Procedure and in trial court procedures regarding the initiation in the Superior Court of trials of felony and related misdemeanor crimes; and

Whereas, as a consequence of these changes to the court rules and procedures, it is necessary that this legislation be enacted as an emergency in order that it take effect immediately; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 4 MRSA §107-A is enacted to read:

§107-A. Authority of clerks to issue process for arrest of persons

The Chief Justice of the Superior Court may authorize any clerk or deputy clerk of the Superior Court to issue process for the arrest of persons charged with crimes if the Chief Justice of the Superior Court is satisfied that the clerk or deputy clerk has the necessary training and learning to perform that function. When authorized by the Chief Justice of the Superior Court to issue process and acting in that capacity, the clerk or deputy clerk is considered a justice of the peace with the same authority as a District Court clerk or deputy clerk described in section 161. A clerk or deputy clerk who is authorized to issue process serves in that capacity at the pleasure of the Chief Justice of the Superior Court.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective April 5, 2006.

CHAPTER 541

H.P. 1429 - L.D. 2031

An Act To Authorize Certain County Jail Employees To Perform Certain Ministerial and Notary Functions for Inmates

Emergency preamble. Whereas, acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, authorizing certain county jail employees to perform ministerial functions related to preparing personal recognizance or an unsecured appearance bond and providing notary services has been the practice of several jails and has been of benefit to both the jails and their inmates; and

Whereas, the provision of these ministerial functions and notary services has unintentionally been in violation of the Maine Revised Statutes, Title 30-A, section 353; and

Whereas, enacting a permissible process for these ministerial functions and notary services will continue to benefit the jails and the inmates; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preserva-