



130th MAINE LEGISLATURE

SECOND REGULAR SESSION-2022

Legislative Document

No. 1856

S.P. 612

In Senate, January 5, 2022

An Act To Eliminate Conflicts of Interest with Respect to the Payment of Fees to Bail Commissioners

Submitted by the Judicial Department pursuant to Joint Rule 203.
Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CARNEY of Cumberland.
Cosponsored by Representative HARNETT of Gardiner.

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

2 **Sec. 1. 15 MRSA §1023, sub-§5**, as amended by PL 2021, c. 397, §1, is further
3 amended to read:

4 **5. Fees.** A bail commissioner is entitled to receive a fee not to exceed \$60 for the
5 charges pursuant to which the defendant is presently in custody, ~~unless the defendant lacks~~
6 ~~the present financial ability to pay the fee. A defendant presently in custody who is~~
7 ~~qualified to be released upon personal recognizance or upon execution of an unsecured~~
8 ~~appearance bond, whether or not accompanied by one or more conditions of bail that have~~
9 ~~been set by a judicial officer, but who in fact lacks the present financial ability to pay a bail~~
10 ~~commissioner fee, must nonetheless be released upon personal recognizance or upon~~
11 ~~execution of an unsecured appearance bond. A bail commissioner may not refuse to~~
12 ~~examine a person to determine the person's eligibility for bail, set bail, prepare the personal~~
13 ~~recognizance or bond or take acknowledgement of the person in custody because the person~~
14 ~~in custody lacks the present financial ability to pay a bail commissioner fee. The bail~~
15 ~~commissioner shall submit such forms as the Judicial Department directs that contain each~~
16 ~~bail identification number to verify the amount of fees received under this subsection~~
17 ~~number of times the bail commissioner executes a bail bond. The sheriff of the county in~~
18 ~~which the defendant is detained may create a fund for the distribution by the sheriff or the~~
19 ~~sheriff's designee for the payment in whole or in part of the \$60 bail commissioner fee for~~
20 ~~those defendants who do not have the financial ability to pay that fee. Funding to support~~
21 ~~the payment of the bail commissioner's fee must be derived from the General Fund or other~~
22 ~~appropriate sources. The Chief Judge of the District Court may establish rules and policies~~
23 ~~for submission of payment requests by bail commissioners.~~

24 A bail commissioner fee under this subsection is not a financial condition of release for the
25 purposes of section 1026, subsection 3, paragraph B-1.

26 **Sec. 2. 15 MRSA §1023, sub-§8**, as enacted by PL 2011, c. 214, §3 and affected
27 by §6, is repealed.

28 **SUMMARY**

29 This bill amends the Maine Bail Code to provide a source of funding for the payment
30 of fees to bail commissioners. The bill eliminates the requirement that defendants pay the
31 \$60 bail commissioner's fee.