



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.