



# Administrative Office of the Courts

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## **Judicial Branch testimony in favor of LD 2051, An Act Regarding the Duties of Bail Commissioners:**

Senator Beebe-Center, Representative Salisbury, and members of the Joint Standing Committee on Criminal Justice and Public Safety, my name is Julie Finn and I represent the Judicial Branch. I would like to provide testimony in support of this Judicial Branch bill.

At present, 15 MRSA §1025-A allows an employee of the county jail having custody of the defendant, if authorized to do so by the sheriff, to prepare and execute the bail bond of a defendant, without fee, if the bail has been set by the court at personal recognizance or an unsecured amount. These circumstances would arise if an incarcerated defendant has been seen by a judge in court and had bail set, or if a defendant is arrested on a warrant where the court has set bail.

The proposal in this bill submitted by the Judicial Branch is to expand the ability of the same county jail employees, under the same circumstances and with the same limitations, to also prepare and execute the bonds when personal recognizance or unsecured bail has been set by a bail commissioner.

Bail Commissioners are called at all hours of the day and night to set a bail amount, and to subsequently leave their jobs, homes, and family activities to go to law enforcement facilities to prepare and execute bail bonds and accompanying paperwork. The Maine Bail Code, in §1023(5), entitles Bail Commissioners to receive up to a \$60 fee for their efforts “unless the defendant lacks the present financial ability to pay the fee” when a defendant “is qualified to be released upon personal recognizance or upon execution of an unsecured appearance bond.” In those circumstances where a defendant lacks the present financial ability to pay the fee, Bail Commissioners still must fulfill their roles and responsibilities.

Due to the significant increase in charges requiring personal recognizance or unsecured bail, as well as other socioeconomic factors that cause bail to be set at these non-cash amounts, there has been a significant increase in frequency of Bail Commissioners being required to execute their duties with no financial compensation, but still incurring their own personal costs

(time, gas, postage, etc.). Permitting employees of county jails to assist in doing paperwork in these circumstances would create more equity for Bail Commissioners, as well as improve the search for new Bail Commissioners, and increase the retention of current Bail Commissioners.

Permitting employees of county jails to assist in doing paperwork in these circumstances should also expedite the process of releasing inmates who do not need to post cash to ensure their release.

One point of clarification – this bill would not, in any way, require sheriffs to approve their employees to prepare and execute this bail paperwork. It would simply allow it to be done if a particular sheriff and his employees had the staffing and desire to do so. At present, many county jails do assist with court-ordered personal recognizance and unsecured bail paperwork.

Thank you for your time.