

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE
AT THE

SECOND REGULAR SESSION

January 4, 1978 to April 6, 1978

FIRST SPECIAL SESSION

(No laws enacted)

September 6, 1978 to September 15, 1978

SECOND SPECIAL SESSION

October 18, 1978

THIRD SPECIAL SESSION

December 6, 1978

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
SECOND REGULAR SESSION
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ONE HUNDRED AND EIGHTH LEGISLATURE
January 4, 1978 to April 6, 1978

Sec. 4. 17-A MRSA § 1102, sub-§ 2, ¶ K is enacted to read:

K. Diethylpropion or its salts.

Sec. 5. 17-A MRSA § 1102, sub-§ 3, ¶ T, as enacted by P L 1975, c. 740, § 101, is repealed.

Sec. 6. 17-A MRSA § 1107, sub-§ 2, as enacted by PL 1975, c. 499, § 1, is repealed and the following enacted in its place:

2. Violation of this section is:

A. A Class C crime if the drug is heroin (diacetylmorphine);

B. A Class D crime if the drug is a schedule W drug other than heroin (diacetylmorphine) or a schedule X drug; or

C. A Class E crime if the drug is a schedule Y drug.

Effective July 6, 1978

CHAPTER 650

AN ACT to Clarify County Law Enforcement.

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

Sec. 1. 14 MRSA § 703 is amended to read:

§ 703. Service to precepts by constables

A constable may serve, execute and return upon any person in his town or in an adjoining plantation any writ of forcible entry and detainer, or any precept in a personal action ~~when the damage claimed does not exceed \$100~~, including those in which a town, plantation, parish, religious society or school district of which he is a member is a party or interested, but before he serves any process, he shall give bond to the inhabitants of his town in the sum of \$500, with 2 sureties approved by the municipal officers thereof, who shall indorse their approval on said bond in their own hands, for the faithful performance of the duties of his office as to all processes by him served or executed. For every process that he serves before giving such bond, he forfeits not less than \$20 nor more than \$50 to the prosecutor.

Sec. 2. 25 MRSA § 2805, sub-§ 2, ¶ A, as repealed and replaced by PL 1971, c. 592, § 13-A, is amended to read:

A. "Full-time" shall mean employment with the reasonable expectation of earning at least ~~\$2,500~~ \$4,000 in any one calendar or fiscal year for performing law enforcement duties.

Sec. 3. 30 MRSA § 853, sub-§ 3, as enacted by PL 1977, c. 431, § 2, is amended to read:

3. **Part-time deputy.** "Part-time deputy" means a deputy who is compensated on an hourly or per diem basis under section 958, sub-section 2, and who does not receive more than ~~\$2,500~~ \$4,000 in any one calendar or fiscal year for performing county law enforcement duties. "County law enforcement duties" under this subsection does not include acting as a court officer, and any compensation for acting as a court officer shall not be included in the ~~\$2,500~~ \$4,000 limit of this subsection.

Sec. 4. 30 MRSA § 951, 2nd ¶, 2nd sentence, as repealed and replaced by PL 1977, c. 431, § 4, is amended to read:

The sheriff may dismiss, suspend or otherwise discipline a deputy during the term of his appointment only for cause; **except that the sheriff may lay off or dismiss deputies, with the approval of the county commissioners or county personnel board, to meet the requirements of budget reductions or governmental reorganizations.**

Sec. 5. 30 MRSA § 955, 2nd sentence is repealed and the following enacted in its place:

The bond of the chief deputy and of each part-time deputy shall be filed and approved in the same manner as is required for the bond of a sheriff under section 902, and all of that section shall apply to those bonds.

Sec. 6. 30 MRSA § 955, as amended by PL 1977, c. 431, § 10, is further amended by adding at the end the following new sentence to read:

The county may furnish a bond for all full-time deputies, which shall comply with this section and which shall be recorded in the county records and delivered to the State Auditor to be filed in his office.

Sec. 7. 30 MRSA § 958, as amended by PL 1977, c. 67, § 8 and as repealed and replaced by PL 1977, c. 431, § 11, is repealed and the following enacted in its place:

§ 958. **Full-time or part-time deputies; special deputies; compensation**

1. **Full-time deputies.** Full-time deputies shall be compensated at a rate not less than \$21 per day, based on a 7-day work week, or at a rate not less than \$23 per day, based on a 7-day work week, if the deputy has:

A. An associate degree in criminal justice, with an emphasis on law enforcement from an accredited college or university; or

B. Successfully completed the basic training course at the Maine Criminal Justice Academy or its equivalent, as determined by the board of trustees of the academy and has served at least 3 years as a full-time law enforcement officer in the preceding 4 years.

The minimum compensation rate shall not apply to any deputy sheriff who is in a probationary period or who is undergoing disciplinary action.

The compensation shall be established by the respective county commissioners and paid from the respective county treasuries, together with those incidental expenses which may be necessary for the proper enforcement of the laws, bills for which shall be audited as provided in Title 15, section 1902.

All fees received by full-time deputies for the service of civil process shall be deemed fees for the use of the county and shall be paid to the county treasurer for the use and benefit of the county.

2. Part-time deputies. Part-time deputies shall be compensated at a reasonable rate as established by the county commissioners, which shall not exceed the lowest per diem compensation rate of a full-time deputy in the county. No part-time deputy shall be compensated under this section more than \$4,000 in any one calendar or fiscal year. Incidental expenses as may be necessary for the proper enforcement of the laws shall also be paid in the same manner as provided for full-time deputies, and shall not be included in the \$4,000 limitation on compensation. Compensation paid to a part-time deputy for serving as a court officer shall not be included in the \$4,000 limitation on compensation.

3. Special deputies. Special deputies shall only be compensated when on active duty as provided under section 952. They shall be compensated at a rate equal to the rate of compensation of full-time or part-time deputies, depending on the actual duties performed while on active service.

Sec. 8. 34 MRSA § 901, 1st ¶, as repealed and replaced by PL 1977, c. 431, § 18, is amended by adding at the end the following new sentence to read:

The jailer and his subordinate assistants and employees may be deputy sheriffs.

Effective July 6, 1978

CHAPTER 651

AN ACT to Continue the Potato Tax at the Rate of \$.025 per Hundredweight.

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