

# MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT  
OF THE  
ATTORNEY GENERAL

for the calender years

1961 - 1962

April 7, 1961

To: Honorable Leonce J. Jobin, Jr.  
House of Representatives  
State House  
Augusta, Maine

Re: Deputy Sheriff — Per diem deputy, salary and salary increases

Dear Representative Jobin:

We have your letter on April 5, 1961, in which you ask three questions.

"1) What would constitute a per diem deputy sheriff? Is a full-time deputy considered a per diem Deputy?"

Answer: A per diem deputy sheriff is one for whom a rate of pay is established by the day. A full-time deputy sheriff may be considered a per diem deputy if his pay is established by the day.

"2) I would also like to know if there is an existing law setting the salary of full-time deputies at \$11.00 per day."

Answer: Chapter 89, Section 150, Revised Statutes of 1954, XVI provides that deputy sheriffs performing special duties under order of the sheriff shall receive for such services \$11.00 per day.

The preceding subsection XV provides that Superior Court messengers of Cumberland County shall receive \$11.00 per day.

Full-time deputies in Cumberland County receive \$11.00 per day. See Chapter 89, Section 173.

Special deputies may be paid a sum not exceeding \$3.50 per day. See Chapter 89, Section 153.

"3) If a full-time deputy was receiving less than \$11.00 per day would he be entitled to a salary increase?"

A deputy sheriff should receive \$11.00 per day if he is performing the duties set forth in Chapter 89, Section 150, XVI, or if he is a court messenger in Cumberland County. We would point out that an \$11.00 a day deputy sheriff shall not be entitled to any fees while acting as a per diem officer, Section 150, XVI.

Very truly yours,

JAMES GLYNN FROST  
Deputy Attorney General

April 10, 1961

To: Honorable L. Robert Porteous, Jr.  
Chairman, Legislative Claims Committee  
State House  
Augusta, Maine

Dear Senator Porteous:

We have your request for an opinion as to the propriety of the Legislature's authorizing payment of a sum of money based upon the claim presented in H.P. 579, L.D. 799.