

MAINE STATE LEGISLATURE

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Incompatibility

May 22, 1975

Sheriff Robert Williams
Hancock County Sheriff's Department
54 State Street
Ellsworth, Maine

Re: Compatibility of Positions of Deputy Sheriff and Court Officer.

Dear Sheriff Williams:

I have your inquiry asking whether the positions of Deputy Sheriff and District Court Officer are compatible and if so, whether a Deputy Sheriff assigned to duty as a District Court Officer during his regular off-duty hours may receive special duty compensation for such District Court duty?

In reply, the positions of Deputy Sheriff and District Court Officer are compatible. Bowden's Case, 123 Me. 359 (1924).

Further, 30 M.R.S.A. § 1051(16) provides that "[e]very Deputy Sheriff while performing special duties under order of the Sheriff shall receive for such services \$21 a day, together with necessary incidental expenses. . . ." Pursuant to 30 M.R.S.A. § 1051(16) above, every Deputy Sheriff who serves as a District Court Officer during his regular off-duty hours under a special duty order of the Sheriff is entitled to be compensated for such duty in the amount of \$21 per day. However, a Deputy Sheriff who performs such "special duty functions" during his regular on-duty hours is not entitled to the additional section 1051(16) "special duty" compensation. (cf. 30 M.R.S.A. § 938).

If I may be of further assistance in this matter, please feel free to contact me.

Very truly yours,

ROBERT J. STOLT
Assistant Attorney General

RJS/ec