

# MAINE STATE LEGISLATURE

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*County Sheriff's Office Compensation*  
*Dept. of Sheriff's Compensation for various purposes*  
*30 MRSA*

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STATE OF MAINE  
DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA, MAINE 04333

September 1, 1977

Donald L. Chretien, Deputy Sheriff  
Sheriff's Office  
Alfred, Maine 04002

Dear Deputy Chretien:

I have been asked to respond to your letter of August 18, 1977, in which you requested our assistance on the question of service of civil process by full-time deputies. In that letter you cited recent legislation which requires all fees and charges which may be payable to any deputy sheriff shall be payable to him to the County Treasurer, with the exception of process fees received by deputies not on a salary or per diem basis. This legislation is found in P. L. 1977, Chapter 67, Section 3, which among other things repeals and replaces 30 MRSA § 2.

Since the wording of this new legislation is quite clear, it does not allow interpretation or construction which would exempt any particular fees or charges from its operation. Perhaps a brief review of the history of this legislation will be of interest to you in understanding the considerations which were made by the Legislature. Chapter 67 is the enacted version of L.D. 752, which was the redrafted form of L. D. 62. The original legislation was proposed as the result of a report of the Joint Standing Committee on Local and County Government dated December 20, 1976, made pursuant to a Study Order (H. P. 1477) of the 107th Legislature. In that report, the Committee stated its feeling that retention of civil process fees by sheriffs caused erratic distribution of compensation of these officers among the various counties. Since the sheriffs are full-time law enforcement officers and consider themselves on duty 24 hours a day, the Committee felt that all fees including civil process fees collected on county time should be turned over to the county treasurer. The Committee then stated that the same treatment for full-time deputy sheriffs was a logical extension of this rationale with regard to the sheriffs.

As you point out in your letter, this legislation may result in a de-

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crease in total compensation for some deputy sheriffs.<sup>1/</sup> Presumably, this is a factor which might be considered by the County Commissioners in the future in determining the compensation for deputies pursuant to 30 MRSA § 958, as repealed and replaced by P. L. 1977, Chapter 431. Incidentally, you may be interested in other provisions of Chapter 431, which is an act to clarify and reform the laws relating to county law enforcement. As part of that legislation, the status and compensation for part-time deputies is specifically recognized. Payment of compensation to part-time deputies pursuant to this statute may remove them from the exception in 30 MRSA § 2 for deputies not on a salary or per diem basis, depending upon the method of compensation.

Sincerely,

S. KIRK STUDSTRUP  
Assistant Attorney General

SKS:we  
cc: Criminal Division

<sup>1/</sup> Any decrease for deputy sheriffs in Knox and York Counties would not take place until January 1, 1978, since application of the retention of fees provisions of P. L. 1977, Chapter 67, Section 3 will be delayed for deputies in those counties until that date by Section 11 of Chapter 67, as amended by P. L. 1977, Chapter 140, Section 5.