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October 12, 1977

Honorable Thomas M. Mangan
8-5 Tall Pines Drive
Lewiston, Maine 04240

Dear Senator Mangan:

I am responding to your letter of October 1, 1977, in which you asked two questions concerning P.L. 1977, C. 431, "An Act to Clarify and Reform the Laws Relating to County Law Enforcement." Since we have already issued an opinion of August 16, 1977, on this particular public law, I am forwarding a copy of that opinion herewith for your information. I believe the contents of that opinion answer the questions which you have raised. However, I will add the following comments.

Your first question concerned the three-year term for deputy sheriffs and whether this three-year term would extend beyond the term in office of the sheriff making the initial appointment. The research which was done for our August 16, 1977, opinion established clearly that the intent of the Legislature was for an uninterrupted three-year term for deputy sheriffs. This desire to give deputy sheriffs more job security and to provide professional continuity in office is shown from the fact that the term for deputy sheriffs is three years while the term of office for the sheriff is two years. Unless a deputy is dismissed "for cause," he will serve the full three-year term regardless of any intervening change in the office of sheriff. Legislative Record, Senate, May 31, 1977, page 1345.

Your second question concerning appointment of deputies whose positions are funded from CETA or revenue sharing sources, is also addressed in our previous opinion. Our conclusion was that the legal status of deputies employed through use of these funds subsequent to the effective date of Chapter 431 of the Public Laws of 1977 is unclear. The new statutory provisions do not appear to provide for such limited appointments.

Sincerely,

S. KIRK STUDSTRUP
Assistant Attorney General

SKS:mfe
Enclosure