

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Treasurer's Sheriffs Bonds
Sheriffs Deputy's Bonds
30 M.R.S.A. § 955

JOSEPH E. BRENNAN
ATTORNEY GENERAL



RICHARD S. COHEN
JOHN M. R. PATERSON
DONALD G. ALEXANDER
DEPUTY ATTORNEYS GENERAL

STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333
December 7, 1977

To: Leighton Cooney, Treasurer
From: Kate Clark Flora, Assistant Attorney General
Re: Bonding of Deputy Sheriff's pursuant to 30 M.R.S.A. § 955

You have posed several questions regarding the mechanics of bonding deputy sheriffs under Title 30 M.R.S.A. § 955, effective October 24, 1977.

1. Does 30 M.R.S.A. § 955 require all deputies to give bond to the Treasurer?

Section 551 provides in pertinent part, that "Every person . . . appointed a deputy under section 951, shall give bond to the Treasurer. . ." The clear meaning of this section is that every deputy is required to post a bond once the section became effective. Since the Legislature did not provide for bonding at some future date, it must be presumed that the intent of the statute was to require bonding for all deputies as of the effective date of the statute, that is, October 24, 1977. The bond is to run in favor of the State Treasurer, and is to be filed in accordance with the requirements for Sheriff's Bond, 30 M.R.S.A. § 901, which requires the bonds to be filed in the State Auditor's office.

2. Would blanket coverage for deputies be acceptable?

The statute in question specifies no particular type of bond. Although the statutory language refers to "every person", thereby suggesting individuals, I can see no reason why blanket bonds, rather than individual bonds, would not be acceptable, provided that the bond clearly identifies the deputies of "x" county as the bonded parties, and the Treasurer of the State as the obligee.

3. Do bonds presently in effect, which do not expire until a later date, have to be bonded to the Treasurer at the effective date of the law, or at the time the bond expires?

As I indicated in my response to question 1 above, it is the apparent intent of the law that bonds in favor of the Treasurer are required for all deputies as of the effective date of the law. In the case of existing bonds running in favor of the sheriffs, these would not necessarily have to be replaced. Rather, they could be assigned to the State of Maine, provided that an endorsement were issued approved by the bonding company changing the obligee from the Sheriff to the Treasurer, and provided that the amount of the bond conformed to the sum set by the county commissioners of the county in question in accordance with section 955.

With regard to the form of the bonds, this office has no recommended form, and suggests that this is a matter for determination by the counties and their bonding companies. This office would, of course, be glad to review forms when they are presented.

If you have further questions, please don't hesitate to call on me.


KATE CLARK FLORA
Assistant Attorney General

KCF:jg

cc: Robert G. Crosen, Jr.