

# MAINE STATE LEGISLATURE

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DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA, MAINE 04333

April 30, 1979

Honorable Georgette B. Berube  
House of Representatives  
State House  
Augusta, Maine 04333

Dear Representative Berube:

You have inquired whether a Deputy Sheriff who is appointed solely for the purpose of serving civil process is required to complete the basic training course at the Maine Criminal Justice Academy.

25 M.R.S.A. §2805(1)(1978-79 Supp.) provides that "[a]s a condition to the continued employment of any person as a full-time law enforcement officer by a municipality or county, said person shall successfully complete, within the first year of his employment, a basic training course at the Maine Criminal Justice Academy." The term "full-time" is defined to mean "employment with the reasonable expectation of earning at least \$4,000 in any one calendar or fiscal year for performing law enforcement duties."<sup>1</sup> 25 M.R.S.A. §2805(2)(A)(1978-79 Supp.).

A deputy sheriff of the type you have described would possess all the powers of a regular deputy, but would be appointed on the understanding that his sole function would be to serve civil process. Since such a deputy would not be compensated on a salary or per diem basis, he would be entitled to retain fees received for the service of civil process, which are collectible from the private litigants. See 30 M.R.S.A. §2(4)(B)(1978).

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1. "'Local law enforcement officers' shall mean all persons empowered by a municipality or county to serve criminal processes and to arrest and prosecute offenders of the law." 25 M.R.S.A. §2805(2)(B)(1974).

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In order to fall within the scope of the mandatory training law, an individual must have a reasonable expectation of earning \$4,000 during any calendar or fiscal year for performing law enforcement duties. A deputy whose only function is to serve civil process is not performing law enforcement duties and, consequently, is not required to successfully complete the basic training course at the Maine Criminal Justice Academy as a condition to his continued employment as such a deputy.

I hope this information is helpful to you. Please feel free to call upon me again if I can be of further assistance.

Sincerely,

WILLIAM R. STOKES  
Assistant Attorney General

WRS:sm