

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 566

H. P. 431

House of Representatives, February 3, 1971

Referred to Committee on State Government. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Henley of Norway.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT to Place Full-time Deputy Sheriffs under Personnel Law.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., T. 5, § 671, amended. The first paragraph of section 671 of Title 5 of the Revised Statutes is amended by adding a new sentence at the end to read as follows:

The classified service shall include full-time deputy sheriffs appointed and employed under Title 30, section 958, and chief deputy sheriffs appointed and employed under Title 30, section 954.

Sec. 2. R. S., T. 30, § 951, amended. The first sentence of section 951 of Title 30 of the Revised Statutes is amended to read as follows:

Every sheriff, elected or appointed, may appoint part-time deputies for whose official misconduct and neglect he is answerable.

Sec. 3. R. S., T. 30, § 951, amended. The last 2 sentences of section 951 of Title 30 of the Revised Statutes, as amended by chapter 379 of the public laws of 1965, are repealed.

Sec. 4. R. S., T. 30, § 954, amended. Section 954 of Title 30 of the Revised Statutes is amended to read as follows:

§ 954. Chief deputy

~~Subject to section 951, the~~ The sheriff in each county shall, as soon as may be after he takes office, appoint a chief deputy from the full-time deputies employed to serve under him, ~~who shall have all the powers and duties of a deputy sheriff and~~ who shall be subject to the direction of the sheriff in the

administration of his office. The salary of said chief deputy shall be as provided by the Personnel Law and shall be in full compensation for all services and in lieu of all fees, except services for the service of civil process.

Sec. 5. R. S., T. 30, § 958, repealed and replaced. Section 958 of Title 30 of the Revised Statutes, as last amended by section 57-A of chapter 590 of the public laws of 1969, is repealed and the following enacted in place thereof:

§ 958. Full-time deputies

Every sheriff, elected or appointed, shall appoint and employ full-time deputy sheriffs, subject to the Personnel Law, for whose official misconduct and neglect he is answerable. It shall be one of the duties of said deputies to enforce the criminal laws of their respective counties.

Their appointment and employment shall be in writing, signed by the sheriff and recorded in the office of the clerk of courts in each county. The sheriff shall furnish to the clerk of courts in each county the names of the deputies by him appointed and employed from time to time, with the residence and post-office address of each.

Upon approval of the county commissioners, uniforms for the sheriff and for full-time deputies required by this section shall be furnished by the county. The number of uniforms to be furnished the sheriff and all full-time deputy sheriffs in each county shall be as follows: Androscoggin, 11; Aroostook, 6; Cumberland, 18; Franklin, 4; Hancock, 5; Kennebec, 8; Knox, 6; Lincoln, 3; Oxford, 12; Penobscot, 12; Piscataquis, 3; Sagadahoc, 3; Somerset, 4; Waldo, 5; Washington, 4; York, 9.

He shall require any of said deputies who are engaged in the enforcement of Title 29, section 2121 to wear a uniform sufficient to identify themselves as officers of the law.

The salaries of said deputies shall be as provided by the Personnel Law and shall be in full compensation for all services and in lieu of all fees, except fees for the service of civil process. All fees and charges of whatever nature, except for service of civil process, which may be payable to any full-time deputy sheriff, shall be payable by them to the county treasurer for the use and benefit of the county.

Sec. 6. Effective date. This Act shall become operative but not effective on January 1, 1972 for the purposes of allowing the Personnel Board to implement these procedures and to allow chief deputy sheriffs and deputy sheriffs to qualify under the Personnel Law. This Act shall become completely effective on January 1, 1973 and all chief deputy sheriffs and deputy sheriffs after that time shall be subject to these provisions. They shall be appointed subject to the Personnel Law and if they do not qualify under the Personnel Law, they shall not be eligible to further serve after said date in their respective capacities.

STATEMENT OF FACT

It is the intention of this bill to include within the classified service and Personnel Law of the State of Maine full-time deputy sheriffs. The salaries of the deputies shall be as provided under the Personnel Law. If this legislation is effective, sheriffs will still be able to appoint part-time deputies who are not subject to the Personnel Law. It appears that the legislation would greatly benefit law enforcement by adding to the professionalism of its members.