

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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Legislative Document

No. 1191

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H. P. 992

House of Representatives, March 23, 1977

Referred to the Committee on Local and County Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Gray of Rockland.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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AN ACT to Define Duties and Set Salaries for Special and Part-time  
Deputy Sheriffs.

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

Sec. 1. 30 MRSA § 853 is enacted to read:

§ 853. Definitions

For the purposes of this subchapter the following words shall have the following meanings unless the context indicates otherwise.

1. Deputy. "Deputy" shall mean either a full-time or part-time county law enforcement officer appointed under section 951.

2. Full-time deputy. "Full-time deputy" means a deputy who is compensated on a salaried or per diem basis under section 958, subsection 1, and who is employed in county law enforcement for at least 40 hours a week.

3. Part-time deputy. "Part-time deputy" means a deputy who is compensated on an hourly or per diem basis under section 958, subsection 2, and who does not receive more than \$2,500 in any one calendar or fiscal year for performing county law enforcement duties.

4. Special deputy. "Special deputy" means a person appointed under section 952 who is authorized to exercise the powers of a deputy only when a state of war or emergency exists.

Sec. 2. 30 MRSA § 952, 2nd sentence, as last amended by PL 1973, c. 709, § 4, is repealed and the following enacted in its place:

The sheriff or his chief deputy shall only order special deputies to active duty when a state of war exists, or when the Governor shall proclaim an

emergency under Title 37-A, chapter 3, or when the Director of the Bureau of Civil Emergency Preparedness declares that a state of emergency is imminent.

Sec. 3. 30 MRSA § 952, 3rd sentence, is amended to read:

Such special deputies shall exercise all the powers of deputy sheriffs appointed under the general law, except the service of civil process, **only** for the duration of the emergency that exists or which has been proclaimed or during the time for which they have been ordered to active duty.

Sec. 4. 30 MRSA § 958, as last repealed and replaced by PL 1975, c. 274, is repealed and the following enacted in its place:

§ 958. Deputies in all counties; compensation

1. Full-time deputies. Full-time deputies shall be compensated at a rate not less than \$25 per day, or at a rate not less than \$27 per day if the deputy has:

A. An associate degree in criminal justice, with an emphasis on law enforcement from an accredited college or university; or

B. Successfully completed the basic training course at the Maine Criminal Justice Academy or its equivalent, as determined by the board of trustees of the academy and has served at least 3 years as a full-time law enforcement officer in the preceding 4 years.

The minimum compensation rate shall not apply to any deputy sheriff who is in a probationary period or who is undergoing disciplinary action.

Such compensation shall be established by the respective county commissioners and paid from the respective county treasuries, together with such incidental expenses as may be necessary for the proper enforcement of the laws, bills for which shall be audited as provided in Title 15, section 1902.

2. Part-time deputies. Part-time deputies shall be compensated at a reasonable rate as established by the county commissioners, which shall not exceed the lowest per diem compensation rate of a full-time deputy in the county. No part-time deputy shall be compensated under this section more than \$2,500 in any one calendar or fiscal year. Incidental expenses as may be necessary for the proper enforcement of the laws shall also be paid in the same manner as provided for full-time deputies, and shall not be included in the \$2,500 limitation on compensation.

3. Special deputies. Special deputies shall only be compensated when on active duty as provided under section 952. They shall be compensated at a rate equal to the rate of compensation of full-time or part-time deputies, depending on the actual duties performed while in active service.

#### STATEMENT OF FACT

The purpose of this bill is to define the duties of deputy sheriffs to avoid the present confusion that exists in many counties. In addition, the minimum salaries of full and part-time deputy sheriffs are increased to bring them into line with municipal police officers.