

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND EIGHTH LEGISLATURE

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**Legislative Document**

**No. 1561**

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S. P. 439

In Senate, April 13, 1977

Referred to the Committee on Appropriations and Financial Affairs. Sent down for concurrence and ordered printed.

MAY M. ROSS, Secretary

Presented by Senator Pierce of Kennebec.

Cosponsors: Senator Collins of Knox, Senator Collins of Aroostook and Senator Pray of Penobscot.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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### AN ACT Establishing the Division of Special Investigations within the Department of the Attorney General.

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

Sec. 1. 5 MRSA § 200-E is enacted to read:

#### § 200-E. Division of Special Investigations

1. Establishment. The Attorney General shall establish and maintain a Division of Special Investigations within the Department of the Attorney General. The powers and duties of the division shall be to investigate violations of all drug control laws of the State and related criminal activity, to arrest violators of these laws and to assist all federal, state, county and municipal law enforcement agencies in their efforts to enforce the drug control laws.

2. Board of directors. There is created a board of directors within the Division of Special Investigations consisting of 11 members as follows: The Attorney General, ex officio, or his designee; the Commissioner of Public Safety, ex officio, or his designee; and the following additional members to be appointed by the Attorney General: Nine representatives who shall be municipal police chiefs, sheriffs or district attorneys, 2 of whom shall be from the Cumberland, Lincoln, Sagadahoc and York County area; 2 from the Androscoggin, Kennebec, Somerset, Oxford and Franklin County area; 2 from the Waldo, Penobscot, Piscataquis, Hancock, Knox and Washington County area; 2 from Aroostook County; and one at-large.

The Attorney General, or his designee, and the Commissioner of Public Safety, or his designee, shall be members of the board during their terms of office. All of the other members of the board shall serve for a term of 3 years, except that of those first appointed, 3 shall be appointed for a term of 3 years; 3 for a term of 2 years and 3 for a term of one year, after which members shall be appointed so that all positions on the board shall be filled at all times. Members of the board shall serve without compensation, except they shall be reimbursed for their actual expenses incurred in the performance of their duties. Any vacancy on the board shall be filled in the same manner as an original appointment, but for the unexpired term.

The board of directors shall organize annually by selecting a chairman and vice-chairman from among its members. The board shall meet at such times as may be reasonably necessary to carry out its duties, provided that it shall meet at least once every 2nd calendar month at a time and a place to be determined by the board. The Attorney General, or his designee, or the board chairman, shall have the authority to call a meeting of the board whenever he deems it necessary.

The board of directors shall advise the Attorney General, or his designee, with respect to the following activities of the division:

- A. The coordination of the efforts of all law enforcement agencies throughout the State regarding the enforcement of drug control laws and the investigation of related criminal activity;
- B. The issuance of guidelines for the use of the sworn police personnel assigned to the division;
- C. The establishment of a centralized intelligence-sharing system and the extent to which information in such a system shall be disseminated;
- D. Advise in the selection process of the appointment or reappointment of the director and deputy director; and
- E. Any other activities relevant to the enforcement of the drug control laws.

The board of directors may establish any rules reasonably necessary for the performance of its duties under this section.

3. Authority of the Attorney General. The Attorney General, or his designee, shall exercise administrative and operational control over the division. The Attorney General, or his designee, shall have the authority to:

- A. Employ a director and a deputy director and such other personnel as may be reasonably required to carry out the functions of the division. The director, deputy director and other personnel shall serve at the pleasure of the Attorney General; however, the Attorney General shall consult the board prior to any dismissal;
- B. Lease, rent or acquire adequate facilities at one or more locations to conduct the division's activities;

C. Accept any federal funds or grants that may be available to carry out or implement the activities of the division;

D. Accept the services of sworn police personnel from any governmental jurisdiction; and

E. Reimburse law enforcement agencies for any special compensation paid to their sworn police personnel assigned to the division.

4. Sworn police personnel. All duly sworn police personnel, assigned to duty with the Division of Special Investigations, shall work under the direction and control of the director, or his designee. They shall be deemed to be on special assignment by their respective employing law enforcement agencies and they shall retain all privileges and protections normally accorded such personnel while on duty with their respective law enforcement agencies, including, but not limited to, insurance, pension, sick leave and holiday benefits.

While assigned to the Division of Special Investigations, the duly sworn police personnel shall have the same powers throughout the several counties of the State as sheriffs have in their respective counties to investigate and prosecute violators of any law of this State and to arrest offenders thereof, and the same powers and duties as sheriffs have to arrest without warrant and to detain persons found violating or attempting to violate any other penal law of the State until a legal warrant can be obtained. The sworn police personnel assigned to the division may be relieved of duty with the division at any time, with or without cause, by the Attorney General, or his designee.

Sec. 2. Property, equipment and records. All property and equipment, including motor vehicles, purchased or donated for the use of the Division of Special Investigations, Department of Public Safety, shall be transferred to the new Division of Special Investigations, Department of the Attorney General, no later than the effective date of Title 5, section 200-E. All records of the Division of Special Investigations, Department of Public Safety, shall be similarly transferred no later than the effective date of Title 5, section 200-E.

Sec. 3. Appropriations. There is appropriated from the General Fund to the Department of the Attorney General, the sum of \$479,400 to carry out the purposes of this Act. The breakdown shall be as follows:

	1977-78	1978-79
ATTORNEY GENERAL, DEPARTMENT OF		
Division of Special Investigations		
Personal Services	(5) \$ 68,000	(5) \$ 71,400
All Other	150,000	150,000
Capital Expenditures	20,000	20,000
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Total	\$238,000	\$241,400

STATEMENT OF FACT

The purpose of this bill is to establish a Division of Special Investigations within the Department of the Attorney General to coordinate the enforcement of all drug control laws and related criminal activity on a statewide basis.