

MAINE STATE LEGISLATURE

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New Draft of S. P. 439, L. D. 1561
(New Title)

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1882

S. P. 552

In Senate, June 14, 1977

Reported by Senator Morrell of Cumberland from Committee on Appropriations and Financial Affairs. Sent down for concurrence and ordered printed under Joint Rules No. 2.

MAY M. ROSS, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

**AN ACT to Continue the Division of Special Investigations
within the Department of Public Safety.**

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

Sec. 1. 25 MRSA § 2911 and § 2912 are enacted to read:

§ 2911. Division of Special Investigations

The Commissioner of Public Safety shall establish and maintain a Division of Special Investigations within the Department of Public Safety. The powers and duties of the division shall be to investigate violations of all drug control laws of the State and related criminal activity, with special emphasis on laws prohibiting sale or trafficking in hard drugs, and to arrest offenders thereof, and to assist all federal, state, county and municipal law enforcement agencies in their efforts to enforce the drug control laws.

§ 2912. Board of Directors

There is created a Board of Directors within the Division of Special Investigations consisting of 11 members as follows: The Commissioner of Public Safety, ex officio, or his designee; the Attorney General, ex officio, or his designee; and the following additional members to be appointed by the Commissioner of Public Safety: 9 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, Penob-

scot, Piscataquis, Hancock, Knox and Washington County area; 2 from Aroostook County; and one at-large. The board shall organize by selecting a chairman and a vice-chairman from among its members.

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 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 only for the unexpired term.

1. Duties. The Board of Directors of the Division of Special Investigations shall have the following duties: Assist the division in coordinating the efforts of the enforcement of drug control laws and the investigation of related criminal activity; provide guidelines for the use of sworn police personnel assigned to the division by state, municipal and county law enforcement agencies; act in an advisory capacity to the division on all matters pertaining to illegal drug and related criminal activity throughout the State; provide operational guidance to the division; provide guidelines for the establishment of a centralized intelligence sharing system relative to the extent of such a system and the extent to which information in such a system shall be disseminated; participate directly in the selection of the director and deputy director and the reappointment of same; and establish rules and regulations for the operation of the board in order to effectively carry out its functions.

The board shall meet at such time or times as may be reasonably necessary to carry out their duties, but shall meet at least once every 2nd calendar month at such place and time as the board shall determine, and it shall meet at the call of the chairman.

2. Commissioner of Public Safety; duties. The Commissioner of Public Safety shall exercise overall administrative and operational supervision of the division; employ, with the advice and consent of the Board of Directors of the Division of Special Investigations and subject to the Personnel Law, a director, a deputy director and such other personnel as may be reasonably required, who may be removed by the commissioner for cause, to carry out the functions of the division; lease, rent or acquire adequate facilities at a location or locations to conduct the division's activities; accept any federal funds or grants that may be available to carry out or implement the activities of the division; accept the services of sworn police personnel from any governmental jurisdiction in accordance with the guidelines promulgated by the board and reimburse law enforcement agencies for special compensation to sworn police personnel assigned to the division as designated by the board.

All sworn police personnel assigned to the Division of Special Investigations 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 commissioner and the board are prohibited in contracting with or accepting the services of commercially based private detective agencies in carrying out the functions of the division.

A. All duly-sworn police personnel, while assigned to duty with the division, shall work under the direction and control of the director and pursuant to the purposes of the division.

B. Such duly-sworn police personnel, while assigned to the division, shall be considered to be on "special assignment" by their respective employing police agencies and shall retain all privileges and protection, including, but not limited to, insurance, pension, sick leave and holiday benefits normally accorded such personnel while on duty with their respective police agencies.

C. The sworn police personnel temporarily assigned to the division may be relieved of duty with the division at any time by the Commissioner of Public Safety.

Sec. 2. **Appropriation.** There is appropriated from the General Fund to the Department of Public Safety the sum of \$350,172 to carry out the purposes of this Act. The breakdown shall be as follows:

	1977-78	1978-79
PUBLIC SAFETY, DEPARTMENT OF		
Division of Special Investigations		
Personal Services	(3) \$ 36,172	(3) \$ 50,629
All Other	114,000	129,371
Capital Expenditures		20,000
	<hr/>	<hr/>
Total	\$150,172	\$200,000

STATEMENT OF FACT

The purpose of this bill is to continue a Division of Special Investigations within the Department of Public Safety to coordinate the enforcement of all drug control laws and related criminal activity on a statewide basis. This division is presently operating under federal funding which will be discontinued within the year.