

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 2075

S.P. 671

In Senate, January 13, 1978

Referred to the Committee on Local & County Government. Sent down for concurrence and 3,000 Ordered Printed. Approved for introduction by the Legislative Council pursuant to Joint Rule 24.

MAY M. ROSS, Secretary

Presented by Senator Jackson of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

AN ACT to Clarify County Law Enforcement.

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

Sec. 1. 25 MRSA § 2805, sub-§ 2, ¶ A, as repealed and replaced by PL 1971, c. 592, § 13-A, is amended to read:

A. "Full-time" shall mean employment with the reasonable expectation of earning at least ~~\$2,500~~ \$4,000 in any one calendar or fiscal year for performing law enforcement duties.

Sec. 2. 30 MRSA § 2, sub-§ 4, ¶ B, as enacted by PL 1977, c. 67, § 3, is repealed and the following enacted in its place:

B. Deputy sheriffs. All fees and charges of whatever nature which may be payable to any deputy sheriff shall be payable by him to the county treasurer for the use and benefit of the county, except that deputies:

(1) Not on a salary or per diem basis may receive and retain fees for the service of criminal or civil process; and

(2) **During off-duty hours and vacations, as designated by the sheriff, may receive and retain compensation for services that are not part of their regular duties, even though the services are performed in uniform.**

Sec. 3. 30 MRSA § 853, sub-§ 3, as enacted by PL 1977, c. 431, § 2, is amended to read:

Part-time deputy. "Part-time deputy" means a deputy who is compensated on an hourly or per diem basis under section 958, sub-section 2, and who does not receive more than ~~\$2,500~~ \$4,000 in any one calendar or fiscal year for performing county law enforcement duties. "County law enforcement duties" under this subsection does not include acting as a court officer, and any compensation for acting as a court officer shall not be included in the ~~\$2,500~~ \$4,000 limit of this subsection.

Sec. 4. 30 MRSA § 951, 2nd ¶, 2nd sentence, as repealed and replaced by PL 1977, c. 431, § 4, is amended to read:

The sheriff may dismiss, suspend or otherwise discipline a deputy during the term of his appointment only for cause; except that the sheriff may lay off or dismiss deputies, with the approval of the county commissioners or county personnel board, to meet the requirements of budget reductions or governmental reorganizations.

Sec. 5. 30 MRSA § 955, 2nd sentence is repealed and the following enacted in its place:

The bond of the chief deputy and of each part-time deputy shall be filed and approved in the same manner as is required for the bond of a sheriff under section 902, and all of that section shall apply to those bonds.

Sec. 6. 30 MRSA § 955, as amended by PL 1977, c. 431, § 10, is further amended by adding at the end the following new sentence to read:

The county shall furnish a bond for all full-time deputies, which shall comply with this section and which shall be recorded in the county records and delivered to the State Auditor to be filed in his office.

Sec. 7. 30 MRSA § 958, as amended by PL 1977, c. 67, § 8 and as repealed and replaced by PL 1977, c. 431, § 11, is repealed and the following enacted in its place:

§ 958. Full-time or part-time deputies; special deputies; compensation

1. **Full-time deputies.** Full-time deputies shall be compensated at a rate not less than \$21 per day, based on a 7-day work week, or at a rate not less than \$23 per day, based on a 7-day work week, 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.

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

All fees received by full-time deputeis for the service of civil process shall be deemed fees for the use of the county and shall be paid to the county treasurer for the use and benefit of the county.

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 \$4,000 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 \$4,000 limitation on compensation. Compensation paid to a part-time deputy for serving as a court officer shall not be included in the \$4,000 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 on active service.

Sec. 8. 34 MRSA § 901, 1st ¶, as repealed and replaced by PL 1977, c. 431, § 18, is amended by adding at the end the following new sentence to read:

The jailer and his subordinate assistants and employees may be deputy sheriffs.

STATEMENT OF FACT

The purpose of this bill is to clarify the major changes made in county law enforcement during the first regular session. Sections 1, 3 and 7 of this bill raise the maximum compensation allowed to part-time deputies from \$2,500 to \$4,000, to meet inflation. Section 7 also corrects an error caused by enactment of two

conflicting bills during first regular session. The correction incorporates both bill's amendments into the new language. Section 2 of the bill allows deputy sheriffs to retain compensation earned during off-duty and vacation hours. This will allow deputies to perform "private" law enforcement type duties, such as providing security and traffic control at sports events or fairs. Section 4 of the bill allows the sheriff to dismiss deputies without cause when there is a budget reduction or reorganization of the department. Sections 5 and 6 of the bill require the county to post the full-time deputies' bonds and allows the use of a "blanket" bond to cover all deputies at once. Section 8 of the bill clarifies that the county jailer and other jail employees may be deputy sheriffs.