

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1734

H. P. 1624

Office of the Clerk of the House

Governor's Bill. Reference to the Committee on State Government suggested.

EDWIN H. PERT, Clerk of the House

Presented by Mr. Joyce of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

AN ACT Concerning the Director of the Division of Special Investigations and Membership on the Board of Directors.

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

Sec. 1. 25 MRSA § 2912, first ¶, as enacted by PL 1977, c. 561, § 1, is amended to read:

There is created a Board of Directors within the Division of Special Investigations consisting of ~~11~~ 17 members as follows: The Commissioner of Public Safety, ex officio, or his designee; the Attorney General, ex officio, or his designee; **the Chief of the State Police, ex officio, or his designee**; and the following additional members to be appointed by the Commissioner of Public Safety: ~~9~~ 14 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~~ 6 at-large. The board shall organize by selecting a chairman and a vice-chairman from among its members.

Sec. 2. 25 MRSA § 2912, 2nd ¶, first sentence, as enacted by PL 1977, c. 561, § 1, is amended to read:

The Attorney General, or his designee, and the Commissioner of Public Safety, or his designee, **and the Chief of the State Police or his designee**, shall be members of the board during their terms of office.

Sec. 3. 25 MRSA § 2912, sub-§ 2, first sentence, as enacted by PL 1977, c. 561, § 1, is amended to read:

The Commissioner of Public Safety shall exercise overall administrative and operational supervision of the division **employ and appoint a director**, with the advice and consent of the Board of Directors and of the Division of Special Investigations ~~and subject to the Personnel Law, a director, a deputy director and such other personnel~~. **The division may also employ, subject to the Personnel Law, 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.

STATEMENT OF FACT

This bill makes 4 basic changes in the present law. the first change permits the Chief of the State Police, or his designee, to sit on the Board of Directors of the Division of Special Investigations. Previously, when the Chief of the State Police and the Commissioner of Public Safety were the same person, there was no problem. However, today the chief is not permitted to sit on this board and in view of the fact that a number of state police officers are assigned to this division, it is only appropriate that the State Police have a representative on this policy-making board.

The 2nd change permits the Commissioner of Public Safety to increase the size of this board. The reason for this is that the division depends primarily upon other agencies for loaned personnel. In order to insure greater participation from other law enforcement agencies, it is vital that those who loan personnel are permitted to participate to a greater extent in the policy-making functions of this division.

The 3rd change, at the beginning of subsection 2, would permit the Commissioner of Public Safety, in conjunction with the board of directors, to appoint a director to this highly sensitive position without requiring participation by the State Department of Personnel. The supervision of undercover drug activities is a very sensitive and important responsibility. It is imperative that the director of this division reflect the philosophy of the commissioner and the board of directors.

The 4th change is found again in subsection 2. The elimination of the word "special" before compensation would permit, where funds are available, the reimbursement to communities for the full salary of loaned agents. At the present time, the state is authorized only to reimburse for overtime or special compensation. There are some communities who would be willing to give excellent officers a leave of absence if they could be fully reimbursed.