

MAINE STATE LEGISLATURE

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(Governor's Bill)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1579

S.P. 527

In Senate, May 15, 1987

Reference to the Committee on State and Local Government suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate
Presented by Senator GILL of Cumberland.

Cosponsored by Representative MANNING of Portland,
Representative KIMBALL of Buxton, Senator BALDACCI of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 **AN ACT to Establish the Bureau of**
2 **Intergovernmental Drug Enforcement**
3 **within the Department of Public Safety.**
4

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

7 **Sec. 1. 25 MRSA §2901, as amended by PL 1981, c.**
8 **98, §3, is further amended to read:**

9 §2901. Department; commissioner

10 There is hereby created and established the De-
11 partment of Public Safety to coordinate and effi-
12 ciently manage the law enforcement and public safety
13 responsibilities of the State of Maine, to consist of
14 the Commissioner of Public Safety, hereafter in this

1 chapter called "commissioner," who shall be appointed
2 by the Governor, subject to review by the Joint
3 Standing Committee on State Government and to confir-
4 mation by the Legislature, to serve at the pleasure
5 of the Governor, and the following as heretofore cre-
6 ated and established: The Bureau of State Police, the
7 Bureau of Liquor Enforcement, the Office of the State
8 Fire Marshal, the Maine Criminal Justice Academy, the
9 Maine Highway Safety Committee and, the Vehicle
10 Equipment Safety Commission and the Bureau of Inter-
11 Governmental Drug Enforcement.

12 **Sec. 2. 25 MRSA §2902, sub-§4, as amended by PL**
13 **1983, c. 812, §153, is further amended to read:**

14 4. Maine Highway Safety Committee. The Maine
15 Highway Safety Committee, as authorized by Title 5,
16 section 12004, subsection 10, which shall be under
17 the direction of the Commissioner of Public Safety.
18 The committee shall consist of not more than 25 mem-
19 bers selected by the Governor from state, civic and
20 industrial organizations and individuals with inter-
21 ests relating to highway safety. The committee mem-
22 bers shall serve at the pleasure of the Governor and
23 shall be compensated in accordance with Title 5,
24 chapter 379. The committee shall stimulate active
25 support for highway safety measures and programs and
26 shall advise the Department of Public Safety regard-
27 ing these issues; and

28 **Sec. 3. 25 MRSA §2902, sub-§5, as amended by PL**
29 **1983, c. 812, §154, is further amended to read:**

30 5. Vehicle Equipment Safety Commission. The Ve-
31 hicle Equipment Safety Commission, as authorized by
32 Title 5, section 12000, subsection 12, shall be under
33 the direction of the Commissioner of Public Safety;
34 and

35 **Sec. 4. 25 MRSA §2902, sub-§6 is enacted to**
36 **read:**

37 6. Bureau of Intergovernmental Drug Enforcement.
38 The Bureau of Intergovernmental Drug Enforcement,
39 which shall be under the direction of the Department
40 of Public Safety.

1 investigative and prosecutive responsibilities with
2 respect to the enforcement of state and federal drug
3 laws.

4 §2954. Bureau of Intergovernmental Drug Enforcement

5 The commissioner, in conformity with policies and
6 practices established by the board, shall establish
7 and operate within the Bureau of Intergovernmental
8 Drug Enforcement such regional investigative task
9 forces as he determines, in consultation with the
10 board, are required for effective drug law enforce-
11 ment throughout the State.

12 The investigative component of each task force
13 shall be comprised of law enforcement officers drawn
14 from municipal, county and state law enforcement
15 agencies, who, during the period in which they serve
16 in the task force, shall be placed in a leave of ab-
17 sence status by their employing law enforcement agen-
18 cies, and in the nonclassified positions within the
19 bureau as established. All bureau investigative per-
20 sonnel shall act in accordance with such rules as may
21 be promulgated by the commissioner and subject to po-
22 licies and procedures established by the board. In
23 determining the number, areas of responsibility and
24 investigative complement of these task forces, the
25 commissioner shall take into account geography, popu-
26 lation, the need or service and the policies and pro-
27 cedures established by the board.

28 1. Director. The bureau shall be managed by a
29 director who shall report to the commissioner. The
30 director must be an experienced law enforcement offi-
31 cer. The director shall be appointed by the commis-
32 sioner from a list of at least 3 persons recommended
33 by the board and shall serve at the pleasure of the
34 commissioner. Eligibility for this appointment shall
35 not be dependent upon the parent law enforcement
36 agency, if any, of the person selected. The director
37 shall be compensated in a manner equivalent to that
38 of other bureau directors within the Department of
39 Public Safety. If the person selected is currently
40 an employee of any state, county or local law en-
41 forcement agency, the person shall be placed in a
42 leave of absence status by the person's employing
43 agency and shall report directly to the commissioner

1 and outside of any existing command structure of the
2 person's employing agency. Notwithstanding any other
3 provision of law, the person shall continue to accrue
4 seniority within the person's employing agency for
5 the time in which that person serves as director.

6 2. Assistant director. The director of the bu-
7 reau shall be assisted by an assistant director. The
8 assistant director must be an experienced law en-
9 forcement officer and may exercise any of the powers
10 of the director as the director may delegate to him.
11 The assistant director shall be appointed by and
12 serve at the pleasure of the commissioner acting upon
13 the recommendation of the board.

14 Eligibility for the selection shall not be dependent
15 upon the parent law enforcement agency, if any, of
16 the person selected. The assistant director shall be
17 compensated in a manner equivalent to that of other
18 assistant bureau directors within the Department of
19 Public Safety. If the person selected is currently
20 an employee of any state, county or local law en-
21 forcement agency, the person shall be placed in a
22 leave of absence status by the person's employing
23 agency and shall report directly to the director and
24 outside of any existing command structure of the
25 person's employing agency. Notwithstanding any other
26 provision of law, the person shall continue to accrue
27 seniority within the person's employing agency for
28 the time in which the person serves as assistant di-
29 rector.

30 3. Task force investigative supervisors. Each
31 task force shall be supervised by a task force inves-
32 tigative supervisor. Each supervisor must be an ex-
33 perienced law enforcement officer appointed by the
34 director with the concurrence of the commissioner and
35 shall serve at the pleasure of the director. The ap-
36 pointment of supervisors shall not be dependent upon
37 the parent law enforcement agency, if any, of the
38 person selected. Supervisors shall be compensated
39 from the budget of the bureau in a manner equivalent
40 to that of a sergeant assigned to the Criminal Inves-
41 tigation Division of the Maine State Police. If the
42 person selected is currently an employee of any
43 state, county or local law enforcement agency, the
44 person shall be placed in a leave of absence status

1 by the person's employing agency and shall report di-
2 rectly to the director or assistant director and out-
3 side of any existing command structure of the
4 person's employing agency. Notwithstanding any other
5 provision of law, the person shall continue to accrue
6 seniority within the person's employing agency for
7 the time in which the person serves as supervisor.

8 4. Task force investigative agents. The inves-
9 tigative complement of each task force shall be com-
10 prised of task force investigative agents who shall
11 be selected from municipal, county and state law en-
12 forcement agencies within the State. Agents shall be
13 selected and appointed at the discretion of the di-
14 rector with the concurrence of the commissioner from
15 among those officers nominated by the chief adminis-
16 trative officer of a prospective agent's employing
17 agency. Agents shall serve at the pleasure of the
18 director. Persons appointed shall receive compensa-
19 tion, paid from the budget of the bureau, equivalent
20 to that of a detective in the Maine State Police as-
21 signed to the Criminal Investigation Division with
22 the additional credit given to seniority based upon
23 law enforcement experience. All personnel selected
24 as agents, whether from a municipal, county or state
25 law enforcement agency, shall be placed in a leave of
26 absence status by the person's employing agency and
27 shall report directly to their supervisor and outside
28 of any existing command structure of the person's em-
29 ploying agency. Notwithstanding any other provisions
30 of law, the person shall continue to accrue seniority
31 within the person's employing agency for the time in
32 which the person serves as an agent.

33 5. Authority of bureau officers. The director,
34 assistant director, supervisors and agents at the
35 discretion of the commissioner shall be granted and
36 have statewide power of enforcement of the criminal
37 laws of the State as set forth in section 2903. They
38 shall possess all of the powers of deputy sheriffs
39 and constables.

40 6. Task force attorneys. The Attorney General
41 and the United States Attorney for the District of
42 Maine may assign as many of their assistants and spe-
43 cial assistants as they determine appropriate to each
44 of the task forces. The attorneys shall be available

1 to the supervisors for purposes of ongoing consulta-
2 tion and advice and shall be responsible for coordi-
3 nating, with the supervisor, the prosecutive and in-
4 vestigative priorities of the task force in conformi-
5 ty with the policies and practices established by the
6 board.

7 §2955. Authority of commissioner

8 1. Rules. Notwithstanding any other provisions
9 of law, the commissioner may promulgate rules re-
10 specting the administration of the bureau. The
11 rules, in conformity with policies and practices es-
12 tablished by the board, may include:

13 A. The qualifications, hiring, term of service
14 and disciplinary standards for supervisors and
15 agents;

16 B. Protection as to financial and employment se-
17 curity for any law enforcement officer selected
18 as any official of the bureau with respect to the
19 person's position with any municipal, county or
20 state law enforcement policy or political subdi-
21 vision;

22 C. Standard operating procedures for the bureau;

23 D. Procurement procedures; or

24 D. Procedures for dissemination of records.

25 2. Grants, gifts and property. The commissioner
26 is empowered to accept grants, gifts and property de-
27 creed forfeit by any court of competent jurisdiction.

28 §2956. Confidentiality

29 Notwithstanding any other provisions of law, the
30 investigative records of the bureau shall be and are
31 declared to be confidential and all meetings of the
32 board as well as meetings of the bureau shall not be
33 subject to Title 1, sections 401 to 410.

1 STATEMENT OF FACT

2 The day has long since passed, if it ever ex-
3 isted, when any one investigative or prosecutive
4 agency can operate independently in the effort to
5 interdict and eradicate the drug problem confronting
6 the citizens of the State. Drug smuggling cartels
7 and drug trafficking organizations are not hindered
8 by barriers such as state or county boundaries or
9 separate chains of command. On the contrary, drug
10 smugglers and drug traffickers who profit at the ex-
11 pense of the moral, mental and physical health of the
12 citizens of this State are well organized, coordi-
13 nated and integrated, often on a regional, national
14 or even international basis. If the State is to be
15 successful in its efforts to interdict and finally
16 eradicate drug smuggling and drug trafficking within
17 its boundaries, a cohesive and integrated working law
18 enforcement partnership of federal, state and local
19 prosecutive and investigative agencies must be devel-
20 oped, funded and coordinated.

21 The purpose of this bill is to create, coordinate
22 and manage regional drug task forces at the state
23 level by creating a new Bureau of Intergovernmental
24 Drug Enforcement within the Department of Public
25 Safety. This new bureau, in conjunction with an In-
26 tergovernmental Drug Enforcement Policy Board, will
27 administer a regional task force program comprised of
28 municipal, county, state and federal law enforcement
29 personnel. The bill contemplates the direct involve-
30 ment by the office of the Attorney General and the
31 United States Attorney for the District of Maine.

1 The Bureau of Intergovernmental Drug Enforcement
2 will consist of a director, an assistant director,
3 task force investigative supervisors and task force
4 investigative agents. In addition, the Attorney Gen-
5 eral and the United States Attorney for the District
6 of Maine may assign task force attorneys to assist in
7 the effort. The Intergovernmental Drug Enforcement
8 Policy Board shall consist of, ex officio, the Com-
9 mission of Public Safety, the Attorney General, the
10 Chief of the Maine State Police and the United States
11 Attorney for the District of Maine. The board's mem-
12 bership also shall include 2 members to be appointed
13 by the Governor.

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