

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

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H.P. 472

House of Representatives, March 7, 1989

Submitted by the Department of Public Safety pursuant to Joint Rule 24.
Reference to the Committee on Legal Affairs suggested and ordered printed.

Ed Pert

EDWIN H. PERT, Clerk

Presented by Representative MARSH of West Gardiner.

Cosponsored by Representative DAGGETT of Augusta, Representative
McCORMICK of Rockport and Senator BERUBE of Androscoggin.

STATE OF MAINE

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

**An Act to Improve Personnel Supervision in the Bureau of
Intergovernmental Drug Enforcement.**



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

3 **Sec. 1. 25 MRSA §2955, sub-§2**, as amended by PL 1987, c. 666,
5 §8, is further amended to read:

7 2. **Assistant director.** The director of the bureau shall be
9 assisted by an assistant director. The assistant director must be
11 an experienced law enforcement officer and may exercise any of
13 the powers of the director as the director may delegate. The
15 assistant director shall be appointed by and serve at the
17 pleasure of the commissioner acting upon the recommendation of
19 the board.

21 Eligibility for the selection shall not be dependent upon the
23 parent law enforcement agency, if any, of the person selected.
25 The assistant director shall be compensated in a manner
27 equivalent to that of ~~other assistant-bureau-directors within the~~
29 Department of Public Safety a captain in the State Police, with
31 respect to both regular and overtime compensation. If the person
33 selected is currently an employee of any state, county or local
35 law enforcement agency, the person shall be placed on a temporary
37 assignment by the person's employing agency. The assistant
39 director shall report directly to the director, notwithstanding
41 any existing command structure of the person's employing agency.
43 Notwithstanding any other provision of law, the person shall
45 retain and continue to accrue seniority and retirement rights and
47 benefits within the person's employing agency for the time in
49 which the person serves as assistant director.

51 **Sec. 2. 25 MRSA §2955, sub-§2-A** is enacted to read:

53 2-A. Regional commanders. There shall be 2 regional
55 commanders within the bureau who may exercise any powers the
57 director may delegate. Each regional commander must be an
59 experienced law enforcement officer appointed by the director
61 with the concurrence of the commissioner and shall serve at the
63 pleasure of the director. The appointment of regional commanders
65 shall not be dependent upon the parent law enforcement agency, if
67 any, of the person selected. Regional commanders shall be
69 compensated from the budget of the bureau in a manner equivalent
71 to that of a lieutenant in the State Police, with respect to both
73 regular and overtime compensation. If the person selected is
75 currently an employee of any state, county or local law
77 enforcement agency, the person shall be placed on a temporary
79 assignment by the person's employing agency. A regional
81 commander shall report directly to the director or assistant
83 director, notwithstanding any existing command structure of the
85 person's employing agency. Notwithstanding any other provision
87 of law, the person shall retain and continue to accrue seniority
89 and retirement rights and benefits within the person's employing
91 agency for the time in which the person serves as regional
93 commander.

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3 **Sec. 3. 25 MRSA §2955, sub-§§3 and 4**, as amended by PL 1987, c.
666, §8, are further amended to read:

5 **3. Task force investigative supervisors.** Each task force
7 shall be supervised by a task force investigative supervisor.
Each supervisor must be an experienced law enforcement officer
9 appointed by the director with the concurrence of the
commissioner and shall serve at the pleasure of the director.
11 The appointment of supervisors shall not be dependent upon the
parent law enforcement agency, if any, of the person selected.
13 Supervisors shall be compensated from the budget of the bureau in
~~Drug Enforcement-Unit~~ drug unit of the Maine State Police, with
15 respect to both regular and overtime compensation. If the person
selected is currently an employee of any state, county or local
17 law enforcement agency, the person shall be placed on a temporary
assignment by the person's employing agency. A supervisor shall
19 report directly to the ~~director-or-assistant-director~~ regional
commander, notwithstanding any existing command structure of the
21 person's employing agency. Notwithstanding any other provision of
law, the person shall retain and continue to accrue seniority and
23 retirement rights and benefits within the person's employing
agency for the time in which the person serves as supervisor.

25 **4. Task force investigative agents.** The investigative
27 complement of each task force shall be comprised of task force
investigative agents who shall be selected from municipal, county
29 and state law enforcement agencies within the State and other
state agencies, provided the applicant has graduated from the
31 Maine Criminal Justice Academy Basic Municipal County Police
School. Agents shall be selected and appointed at the discretion
33 of the director with the concurrence of the commissioner from
among those officers nominated by the chief administrative
35 officer of a prospective agent's employing agency. Agents shall
serve at the pleasure of the director. Agents shall receive
37 compensation, paid from the budget of the bureau, equivalent to
that of a detective in the Maine State Police assigned to the
39 ~~Drug-Enforcement-Unit~~ drug unit, with respect to both regular and
overtime compensation with the additional credit given to
41 seniority based upon law enforcement experience. ~~All-personnel~~
Any person selected as agents, ~~whether from a municipal or county~~
43 ~~or state law enforcement agency,~~ an agent shall be placed on a
temporary assignment by the person's employing agency. An agent
45 shall report directly to the task force supervisor,
notwithstanding any existing command structure of the person's
47 employing agency. Notwithstanding any other provisions of law,
the person shall retain and continue to accrue seniority and
49 retirement rights and benefits within the person's employing
agency for the time in which the person serves as an agent.

1 Any person employed as a senior agent or special agent
2 investigator within the Maine State Police may be temporarily
3 assigned to the bureau. During such temporary assignment, the
4 Maine State Police shall retain the positions of senior agent and
5 special agent investigator.

7 Sec. 4. 25 MRSA §2955, sub-§5, as enacted by PL 1987, c. 411,
8 §5, and c. 666, §8, is repealed and the following enacted in its
9 place:

11 5. Authority of bureau officers. The director, assistant
12 director, regional commanders, supervisors and agents shall be
13 vested at the discretion of the commissioner with the same powers
14 and duties throughout the several counties of the State as
15 sheriffs have in their respective counties to serve criminal
16 processes, to investigate and prosecute violators of any law of
17 this State and to arrest without warrant and detain persons found
18 violating or attempting to violate any other penal law of the
19 State until a warrant can be obtained. They shall have the same
20 rights as sheriffs to require aid in executing the duties of
21 their office.

23 Sec. 5. 25 MRSA §2955, sub-§6, as enacted by PL 1987, c. 411,
24 §5, is amended to read:

25
26 6. Task force attorneys. The Attorney General, the United
27 States Attorney for the District of Maine and the respective
28 district attorneys may assign as many of their assistants and
29 special assistants as they determine to be appropriate to each of
30 the task forces. The attorneys shall be available to the
31 regional commanders and supervisors for purposes of ongoing
32 consultation and advice and shall be responsible for
33 coordinating, with the regional commander or supervisor, the
34 prosecutorial and investigative priorities of the task force in
35 conformity with the advice, consultation and direction provided
36 by the board and the policies, practices and procedures of the
37 bureau.

39 STATEMENT OF FACT

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42 This bill creates 2 regional commanders within the
43 organizational structure of the Bureau of Intergovernmental Drug
44 Enforcement. The addition will be necessary to reduce the span
45 of control of the director and assistant director to provide for
46 more orderly and efficient supervision of the operations of the
47 bureau.

49 The bill also allows state employees who have graduated from
50 the Maine Criminal Justice Academy's Municipal County Basic
51 Police School to serve as agents within the bureau, even though
they are not currently law enforcement officers.

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Section 1 changes the compensation to be paid to the assistant director from the equivalent of an assistant bureau director within the Department of Public Safety to that of a captain of the State Police.

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Section 2 creates the 2 positions for regional commanders. Each will receive compensation equivalent to that of a state police lieutenant.

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Section 3 specifies that a supervisor reports to the regional commander instead of to the director or assistant director.

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Section 4 adds regional directors to the list of members who have the same powers and duties as sheriffs to enforce the law throughout the several counties of the State.

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Section 5 affords the regional commanders the same assistance from attorneys assigned to the various drug task forces as supervisors now have.

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