MAINE STATE LEGISLATURE

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-	(Filing No. H-149)
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6	STATE OF MAINE
8	HOUSE OF REPRESENTATIVES 115TH LEGISLATURE
10	FIRST REGULAR SESSION
12	COMMITTEE AMENDMENT "A" to H.P. 423, L.D. 606, Bill, "An
14	Act to Clarify Provisions Relating to the Bureau of Intergovernmental Drug Enforcement"
16	Amend the bill by striking out all of section 1 and
18	inserting in its place the following:
20	'Sec. 1. 25 MRSA §2955, sub-§5, as repealed and replaced by PL 1989, c. 522, §4, is repealed and the following enacted in its
22	place:
24	5. Authority of bureau officers. The director, assistant director, regional commanders, supervisors and agents are vested
26	at the discretion of the commissioner with the following:
28	A. The authority throughout the State to arrest pursuant to Title 17-A, section 15;
30	
••	B. The same powers and duties throughout the several
32	counties of the State as sheriffs have in their respective counties to serve criminal process, to investigate and
34	prosecute violators of any law of this State and to arrest without warrant and detain persons found violating or
36	attempting to violate any other penal law of the State until a warrant can be obtained. They have the same rights as
38	sheriffs to require aid in executing the duties of their office; and
40	
	C. The same powers and duties throughout the several
42	counties of the State as sheriffs have in their respective
44	counties to serve civil process in all matters relating to investigations or violations of Title 17-A, chapter 45 or
77	actions arising under or initiated pursuant to Title 15,
46	chapter 517.

2 STATEMENT OF FACT

The amendment clarifies language of the bill relating to the enforcement powers of officers of the Bureau of Intergovernmental 6 Drug Enforcement or BIDE. The amendment makes reference to the arrest powers in the Maine Revised Statutes, Title 17-A, section 8 15, which are the well-recognized arrest powers found in the Maine Criminal Code. The amendment also clarifies the authority 10 of BIDE officers to serve civil process in drug-related investigations and civil asset forfeiture cases. This specific 12 grant of authority in statute is intended to negate the need for the Commissioner of Public Safety to reswear those BIDE officers 14 to serve civil process if they have already been sworn. The 16 amendment also retains the reference in the original bill to the common law powers of sheriffs.

Reported by the Committee on Legal Affairs
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