MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 606

H.P. 423

House of Representatives, February 13, 1991

Submitted by the Department of Attorney General pursuant to Joint Rule 24. Reference to the Committee on Judiciary suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative PARADIS of Augusta.

Cosponsored by Representative O'DEA of Orono, Representative MELENDY of Rockland and Representative ADAMS of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND NINETY-ONE

An Act to Clarify Provisions Relating to the Bureau of Intergovernmental Drug Enforcement.



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

Sec. 1. 25 MRSA §2955, sub-§5, as repealed and replaced by PL 1989, c. 522, §4, is amended to read:

- 5. Authority of bureau officers. The director, assistant director, regional commanders, supervisors and agents shall-beare vested at the discretion of the commissioner with the authority to arrest pursuant to Title 17-A, section 15 and the same powers and duties throughout the several counties of the State as sheriffs have in their respective counties to serve criminal and civil processes, to investigate and prosecute violators of any law of this State and to arrest without warrant and detain persons found violating or attempting to violate any other penal law of the State until a warrant can be obtained. They shall have the same rights as sheriffs to require aid in executing the duties of their office.
- Sec. 2. 25 MRSA §2955, sub-§6, as amended by PL 1989, c. 522, \$5, is further amended to read:
 - 6. Task force attorneys. The Attorney General, the United States Attorney for the District of Maine and the respective district attorneys may assign as many of their assistants and special assistants as they determine to be appropriate to each of the task forces or to the bureau generally. The attorneys shall be available to the regional—commanders—and—supervisors—bureau officers for purposes of ongoing consultation and advice and shall—be on the propriety and legal consequences of methods of investigation and are responsible for coordinating, with the regional commander—or—supervisor commanders and supervisors, the prosecutorial and investigative priorities of the task force forces in conformity with the advice, consultation and direction provided by the board and the policies, practices and procedures of the bureau.

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STATEMENT OF FACT

This bill clarifies the authority of arrest powers of the Bureau of Intergovernmental Drug Enforcement officers by adopting the standards of the Maine Criminal Code, Maine Revised Statutes, Title 17-A, section 15, while at the same time retaining their more complex common law powers of sheriffs. The bill also clarifies the authority of bureau officers to serve civil process in civil asset forfeiture cases.