

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

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Legislative Document

No. 461

H.P. 358

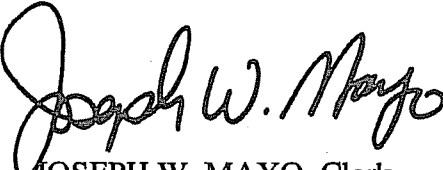
House of Representatives, February 11, 1993

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**An Act to Require Legislative Confirmation of the Director of the Maine  
Drug Enforcement Agency.**

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

  
JOSEPH W. MAYO, Clerk

Presented by Representative LEMKE of Westbrook.  
Cosponsored by Representative: PARADIS of Augusta.

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

2  
3 Sec. 1. 25 MRSA §2955, sub-§1, as amended by PL 1991, c. 837,  
4 Pt. B, §13 and c. 841, §11, is repealed and the following enacted  
5 in its place:

6  
7 1. Director. The agency is managed by a director who  
8 reports to the commissioner. The director must be an experienced  
9 law enforcement officer. The Chief of the State Police, the  
10 Maine Sheriffs' Association and the Maine Chiefs of Police  
11 Association may each nominate one candidate as Director of the  
12 Maine Drug Enforcement Agency for submission to the Maine Drug  
13 Enforcement Agency Advisory Board. The advisory board shall  
14 submit one of the 3 nominations to the commissioner who may  
15 appoint that person with the approval of the Governor and subject  
16 to review by the joint standing committee of the Legislature  
17 having jurisdiction over judiciary matters and to confirmation by  
18 the Legislature. If the commissioner or the Governor does not  
19 approve of the candidate submitted, each of the nominating groups  
20 is requested to submit an additional nomination. The director  
21 serves at the pleasure of the commissioner. Eligibility for this  
22 appointment may not be dependent upon the parent law enforcement  
23 agency, if any, of the person selected. If the person selected  
24 is currently an employee of any state, county or local law  
25 enforcement agency, the person must be placed on temporary  
26 assignment by the person's employing agency. The director shall  
27 report directly to the commissioner, notwithstanding any existing  
28 command structure of the person's employing agency.  
29 Notwithstanding any other provision of law, the person retains  
30 and continues to accrue seniority and retirement rights and  
31 benefits within the person's employing agency for the time in  
32 which the person serves as director.

33  
34 Sec. 2. Application. An individual serving as the Director of  
35 the Maine Drug Enforcement Agency on the effective date of this  
36 Act is subject to the legislative review and confirmation  
37 procedure required by the Maine Revised Statutes, Title 25,  
38 section 2955, subsection 1, as repealed and replaced in this Act.

39  
40 **STATEMENT OF FACT**

41  
42 This bill makes the position of Director of the Maine Drug  
43 Enforcement Agency subject to review by the Joint Standing  
44 Committee on Judiciary and to confirmation by the Legislature.  
45 This bill applies to the person currently holding the position of  
46 director.  
47  
48