

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 62

H.P. 37

House of Representatives, January 9, 1997

An Act to Change the Method for Setting Wages for Deputies.

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative WHEELER of Bridgewater.
Cosponsored by Senator FERGUSON of Oxford and
Representatives: BUNKER of Kossuth Township, McALEVEY of Waterboro, O'NEAL of
Limestone, PINKHAM of Lamoine.

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

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4 **Sec. 1. 30-A MRSA §351, sub-§§2 and 3**, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, are further amended to read:

6 **2. Full-time deputy.** "Full-time deputy" means a deputy who
8 is compensated ~~on-a-salaried-or-per-diem-basis~~ under section 386,
subsection 1, and who is employed in county law enforcement for
at least 40 hours a week.

10 **3. Part-time deputy.** "Part-time deputy" means a deputy who
12 is compensated ~~on-an-hourly-or-per-diem-basis~~ under section 386,
14 subsection 2, and who does not receive more than the maximum
amount allowed under that subsection in any one calendar or
16 fiscal year for performing county law enforcement duties.

18 **Sec. 2. 30-A MRSA §386**, as amended by PL 1989, c. 477, §2, is
repealed and the following enacted in its place:

20 **§386. Compensation of deputies**

22 **1. Full-time deputies.** The county commissioners of each
24 county in which deputies are employed shall set the rate of
compensation for deputies employed in the county commissioners'
26 county. The county treasurers shall pay the compensation,
together with those incidental expenses that are necessary for
28 the proper enforcement of the laws.

30 All fees received by full-time deputies for the service of civil
process while on duty are deemed fees for the use of the county
32 and are paid to the county treasurer for the use and benefit of
the county.

34 **2. Part-time deputies.** Part-time deputies must be
36 compensated at a reasonable rate established by the county
commissioners. A part-time deputy may not be compensated under
38 this section more than \$10,000 in any one calendar or fiscal
year. Incidental expenses necessary for the proper enforcement
40 of the laws must be paid in the same manner as provided for
full-time deputies and are not included in the \$10,000 limitation
42 on compensation. Compensation paid to a part-time deputy for
44 serving as a court officer is not included in the \$10,000
limitation on compensation.

46 **3. Special deputies.** Special deputies may be compensated
only when on active duty as provided under section 382. They
48 must be compensated at a rate equal to the rate of compensation
of full-time or part-time deputies, depending on the actual
duties performed while on active service.

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SUMMARY

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Current law sets a minimum per diem rate of compensation for full-time and part-time deputies. This bill repeals that minimum and requires the county commissioners to establish the rate of compensation.

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