

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 530

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S.P. 176

In Senate, January 19, 1999

**An Act to Require the State to Pay the Salaries of Sheriffs and County  
Jail Employees.**

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Reference to the Committee on Criminal Justice suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator DOUGLASS of Androscoggin.  
Cosponsored by Representatives: BOLDUC of Auburn, GOODWIN of Pembroke.

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

2  
4       **Sec. 1. 5 MRSA §1665, sub-§2-A** is enacted to read:

6       **2-A. Department of Corrections estimate.** Beginning in the  
8 year 2000, in preparing budget estimates pursuant to this  
10 section, the Department of Corrections shall include in its  
12 proposed current services budget estimates for salaries and  
14 expenses for the following:

16       **A. Sheriffs under Title 30-A, section 373:**

18       **B. Full-time, part-time and special deputy sheriffs under**  
20 **Title 30-A, section 386; and**

22       **C. Jailers, masters or keepers and all subordinate**  
24 **assistants and employees of county jails under Title 30-A,**  
26 **section 1501.**

28       **Sec. 2. 14 MRSA §3135, last ¶,** as amended by PL 1995, c. 694,  
30 Pt. D, §20 and affected by Pt. E, §2, is further amended to read:

32       Unless the judgment debtor shows good cause for failure to  
34 appear after being duly served with a disclosure subpoena under  
36 section 3123, a contempt subpoena under section 3136 or an order  
38 to appear and disclose under Title 19-A, section 2361, the debtor  
40 must be ordered to pay the costs of issuing and serving the civil  
42 order for arrest. The costs of issuing and serving the civil  
44 order for arrest are \$25 plus mileage at a rate of 22¢ per mile.  
46 ~~The fee payable to sheriffs and their deputies for civil orders~~  
48 ~~for arrest is governed by Title 30-A, section 421, subsection 6.~~

**Sec. 3. 30-A MRSA §351, sub-§§2 and 3,** as amended by PL 1997,  
c. 44, §1, are further amended to read:

**2. Full-time deputy.** "Full-time deputy" means a deputy who  
is compensated under section ~~386, subsection 1,~~ 386-A and who is  
employed in county law enforcement for at least 40 hours a week.

**3. Part-time deputy.** "Part-time deputy" means a deputy who  
is compensated under section ~~386, subsection 2,~~ 386-A and who  
does not work more than the maximum amount allowed under that  
subsection in any one calendar or fiscal year while performing  
county law enforcement duties.

**Sec. 4. 30-A MRSA §373,** as amended by PL 1989, c. 104, Pt. C,  
§§8 and 10, is repealed.

2                   **Sec. 5. 30-A MRSA §373-A** is enacted to read:

4                   **§373-A. Sheriff salaries and expenses**

6                   The Department of Corrections shall compensate each county  
8                   for the reasonable costs related to salaries and expenses of  
                    sheriffs as agreed upon between the Department of Corrections and  
                    that county.

10                   The Department of Corrections shall include sufficient funds  
12                   for this compensation within its operating budget.

14                   Notwithstanding this section, the county remains responsible  
16                   for providing sufficient funds for all office space suitable for  
                    the performance of the duties of the office.

18                   **Sec. 6. 30-A MRSA §386**, as repealed and replaced by PL 1997,  
                    c. 44, §2, is repealed.

20                   **Sec. 7. 30-A MRSA §386-A** is enacted to read:

22                   **§386-A. Deputy salaries and expenses**

24                   The Department of Corrections shall compensate each county  
26                   for the reasonable costs related to salaries and expenses of  
                    full-time deputy sheriffs, part-time deputy sheriffs and special  
28                   deputy sheriffs as agreed upon between the Department of  
                    Corrections and that county.

30                   The Department of Corrections shall include sufficient funds  
32                   for this compensation within its operating budget.

34                   Notwithstanding this section, the county remains responsible  
36                   for providing sufficient funds for all office space suitable for  
                    the performance of the duties of the office.

38                   **Sec. 8. 30-A MRSA c. 1, sub-c. VI, art. 5**, as amended, is repealed.

40                   **Sec. 9. 30-A MRSA §1501, sub-§2**, as amended by PL 1989, c.  
                    104, Pt. C, §§8 and 10, is repealed and the following enacted in  
                    its place:

42                   **2. Compensation.** The Department of Corrections shall  
44                   compensate each county for the reasonable costs related to  
                    salaries and expenses of jailers, masters or keepers and all  
46                   subordinate assistants and employees as agreed upon between the  
                    Department of Corrections and that county.

2 The Department of Corrections shall include sufficient funds for  
this compensation within its operating budget.

4 Notwithstanding this subsection, the county remains responsible  
6 for providing sufficient funds for all office space suitable for  
the performance of the duties of the office.

8

### SUMMARY

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12 The bill requires the Department of Corrections to pay the  
14 costs of salaries and expenses for county sheriffs, deputy  
16 sheriffs and jailers, masters or keepers and all subordinate  
18 assistants and employees of the county jails as agreed upon  
20 between the Department of Corrections and each county. Counties  
remain responsible for providing suitable office space. This  
arrangement is similar to that of the district attorneys, whose  
salaries and expenses are paid for through the Office of the  
Attorney General's budget but whose office space is provided for  
by the counties.