

MAINE STATE LEGISLATURE

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CRIMINAL JUSTICE AND PUBLIC SAFETY

Reported by: Majority

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STATE OF MAINE
SENATE
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 481, L.D. 1449, Bill, "An Act Regarding the State Police Command Staff"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 25 MRSA §1501, as amended by PL 1997, c. 657, §1, is further amended to read:

§1501. Chief; deputy; members of force; rules and regulations

The Commissioner of Public Safety, with the advice and consent of the Governor and subject to review by the joint standing committee of the Legislature having jurisdiction over criminal justice matters and to confirmation by the Legislature, shall appoint a Chief of the State Police, as heretofore appointed, to serve for a term of 4 years unless removed for cause. The appointment must be made from the commissioned officer ranks of the State Police. The Chief of the State Police may be removed by impeachment or by the Governor on the address of both branches of the Legislature.

The Chief of the State Police shall-be is the executive head of the Bureau of State Police, as heretofore established, and shall execute the duties of his the office under the direction and subject to the approval of the Commissioner of Public Safety. In the absence of the Commissioner of Public Safety, the

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2 Chief of the State Police shall assume the duties and shall have
3 has the authority of the commissioner, except that ~~he shall have~~
4 the Chief of the State Police has no authority to change any
5 general rules and regulations unless he the Chief of the State
6 Police is serving in the capacity of acting commissioner as a
7 result of the death, removal, extended leave of absence or
8 resignation of the commissioner.

10 Subject to the approval of the Commissioner of Public
11 Safety, the chief may appoint 2 one commissioned ~~officers~~ officer
12 of the State Police to act as the chief's ~~deputies~~ deputy and 2
13 commissioned officers of the State Police to act as the chief's
14 majors, all of whom serve at the pleasure of the chief. Subject
15 to the Civil Service Law, the Chief of the State Police may
16 enlist suitable persons as members of the State Police to enforce
17 the law and employ such other employees as may be necessary. The
18 Chief of the State Police shall make rules, subject to the
19 approval of the State Civil Service Appeals Board, for the
20 discipline and control of the State Police. If a deputy chief or
21 major is removed or fails to be reappointed for any reason other
22 than malfeasance of office and, at that time, does not have at
23 least 20-years the number of years of creditable service with-the
24 State-Police necessary for a service retirement benefit pursuant
25 to Title 5, section 17851, subsection 4, the deputy chief or
26 major must be reinstated at the commissioned rank held at the
27 time of the appointment with all the rights and privileges as
28 provided by law and personnel rules.

30 It is the intent of the Legislature that the Governor may in
31 ~~his~~ the Governor's discretion appoint the same person to serve as
32 Commissioner of Public Safety and Chief of the Maine State
33 Police. In this event, the Governor shall appoint the Chief of
34 the State Police ~~shall be appointed by the Governor~~, subject to
35 review by the ~~Joint Standing Committee on State Government~~ joint
36 standing committee of the Legislature having jurisdiction over
37 criminal justice and public safety matters and to confirmation by
38 the Legislature, to serve at the pleasure of the Governor. Such
39 appointment may be made from the commissioned officer membership
40 of the State Police. In the event that the Commissioner of Public
41 Safety and the Chief of the State Police are the same person, the
42 commissioner shall may receive only the salary designated for the
43 Commissioner of Public Safety.'

44 SUMMARY

46 This amendment is the majority report of the Joint Standing
47 Committee on Criminal Justice and Public Safety and replaces the
48 bill. The amendment maintains the language from the bill that
49 reflects the number of years of creditable service for a full
50

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2 service retirement benefit has increased from 20 to 25 years.
The amendment also amends the law to reflect that only one chief
4 deputy may be appointed, instead of 2, which the law now
authorizes. The amendment also makes technical changes.

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