

# MAINE STATE LEGISLATURE

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**CRIMINAL JUSTICE AND PUBLIC SAFETY**

Reported by: Minority

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**STATE OF MAINE  
SENATE  
121ST LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "B" 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

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

~~Subject to the approval of the Commissioner of Public Safety, the chief may appoint 2 commissioned officers of the State Police to act as the chief's deputies and 2 commissioned officers of the State Police to act as the chief's majors, all of whom serve at the pleasure of the chief. The chief may hire from within the membership of the State Police one officer to serve as the chief's deputy and 2 other officers to serve as the chief's majors. Promotion to the positions of deputy and major must be based on merit.~~ Subject to the Civil Service Law, the Chief of the State Police may enlist suitable persons as members of the State Police to enforce the law and employ such other employees as may be necessary. The Chief of the State Police shall make rules, subject to the approval of the State Civil Service Appeals Board, for the discipline and control of the State Police. If a deputy chief or major is removed ~~or fails to be reappointed~~ for any reason other than malfeasance of office and, at that time, does not have at least ~~20 years~~ the number of years of creditable service with the State Police necessary for a service retirement benefit pursuant to Title 5, section 17851, subsection 4, the deputy chief or major must be reinstated at the commissioned rank held at the time ~~of the appointment~~ the officer was hired as deputy or major with all the rights and privileges as provided by law and personnel rules.

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

## SUMMARY

2

4       This amendment is the minority report of the Joint Standing  
6       Committee on Criminal Justice and Public Safety and replaces the  
8       bill. The amendment maintains the language from the bill that  
10       reflects the number of years of creditable service for a full  
12       service retirement benefit has increased from 20 to 25 years.  
14       The amendment also amends the law to reflect that only one chief  
      deputy may be hired and that the chief deputy and 2 majors are to  
      be hired based on merit, instead of being appointed by the Chief  
      of the State Police. It is intended that the change from an  
      appointment process to one of promotions based on merit applies  
      to the next officers hired to these positions and not to the  
      current chief deputy and majors. The amendment also makes  
      technical changes.