

# MAINE STATE LEGISLATURE

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314  
R O F S

L.D. 1516

Date: 2/25/16 Majority (Filing No. H-529)

**CRIMINAL JUSTICE AND PUBLIC SAFETY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
127TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1041, L.D. 1516, Bill, "An Act To Allow School Resource Officers To Have Jurisdiction at Off-site Events"

Amend the bill by striking out the title and substituting the following:

**'An Act To Clarify the Authority of County Sheriffs To Grant Law Enforcement Powers'**

Amend the bill by striking out everything after the title and before the summary and inserting the following:

**'Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the enforcement of Maine's laws by county sheriffs requires additional personnel that are available through deputizing municipal law enforcement officers; and

**Whereas,** this legislation needs to take effect immediately in order to ensure that Maine's county sheriffs are adequately staffed to perform their law enforcement duties; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 30-A MRSA §2674,** as amended by PL 2013, c. 261, §2, is further amended by adding at the end a new paragraph to read:

Notwithstanding section 501 and except as otherwise provided by municipal charter or ordinance, the municipal officers may authorize the chief of police or other designee to request a county sheriff to appoint as a deputy sheriff a municipal law enforcement officer who has satisfied the training requirements of Title 25, sections 2804-C and 2804-E. The authorization of the municipal officers must be accompanied by an

**COMMITTEE AMENDMENT**

1 agreement between the requesting municipality and the respective county that specifies  
 2 the purpose and time period for which the authorization is granted and which  
 3 governmental entity is liable, if any liability is determined to exist, for personal injury or  
 4 property damage caused by or occurring to law enforcement officers of the municipality  
 5 in the course of exercising their authority as deputy sheriffs. A municipal law  
 6 enforcement officer appointed pursuant to this paragraph has the same authority as a  
 7 deputy sheriff within the respective county, except as to the service of civil process, and  
 8 has the same privileges and immunities as when acting within the officer's own  
 9 jurisdiction.

10 **Emergency clause.** In view of the emergency cited in the preamble, this  
 11 legislation takes effect when approved.'

12 **SUMMARY**

13 This amendment replaces the bill and changes the title. The amendment provides a  
 14 process by which a trained municipal law enforcement officer may be appointed as a  
 15 deputy sheriff, have the duties of a deputy sheriff to enforce the criminal laws and have  
 16 the same privileges and immunities as when acting within the officer's own jurisdiction.  
 17 The amendment requires an agreement between the municipality and the county that  
 18 specifies the time period and purpose for which authorization is granted and liability  
 19 between the sheriff's office and the municipal law enforcement agency.