

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE

**FIRST SPECIAL SESSION**

October 9, 1987 to October 10, 1987

**SECOND SPECIAL SESSION**

October 21, 1987 to November 20, 1987

and the

**SECOND REGULAR SESSION**

January 6, 1988 to May 5, 1988

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Twin City Printery  
Lewiston, Maine  
1988

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST AND SECOND SPECIAL SESSIONS  
and  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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The provisions of this section pertaining to manufacturing or mechanical establishments, laundries, dry cleaning establishments and bakeries shall not apply to minors under 16 years of age who are employed in retail sales, customer service operations or office work for these establishments, provided that retail, customer service or office areas are in a separate room.

Sec. 2. 26 MRSA §781 is amended to read:

§781. Penalties; employers

Any person, firm or corporation, agent or manager of any firm or corporation, who, either for himself or for some firm or corporation, or by himself or through his agents, servants or foremen, employs, permits or suffers any child to be employed, or to work in violation of any of the provisions of sections 771 to 780, or otherwise fails to comply with any of the provisions of ~~said~~ these sections, shall be punished by a fine of not less than ~~\$25~~ \$100 nor more than ~~\$200~~ \$500.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 1, 1988.

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## CHAPTER 666

S.P. 832 — L.D. 2166

**AN ACT to Clarify the Status of Police Officers Assigned to the Bureau of Intergovernmental Drug Enforcement and to Add a District Attorney to the Bureau's Policy Board.**

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

Whereas, the creation of the Bureau of Intergovernmental Drug Enforcement within the Department of Public Safety was authorized by the First Regular Session of the 113th Legislature; and

Whereas, all efforts are being made to staff the Bureau of Intergovernmental Drug Enforcement so that it may begin operation to provide for effective drug law enforcement throughout the State; and

Whereas, the status of the director and assistant director of the bureau needs to be clarified so that they will be considered confidential employees; and

Whereas, the status of state police officers who will be assigned to the bureau needs to be clarified so as to protect their seniority and retirement rights and benefits prior to actual assignment; and

Whereas, a district attorney should be included as a member of the Intergovernmental Drug Enforcement

Policy Board so as to provide for more efficient integration and coordination of investigative and prosecutorial function in the State with respect to drug law enforcement; 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. 2 MRSA §6, sub-§5, as amended by PL 1987, c. 511, Pt. A, §1, is further amended to read:

5. Range 86. The salaries of the following state officials and employees shall be within salary range 86:

Director of Labor Standards;

Deputy Chief of the State Police;

Director of State Lotteries;

State Archivist;

Director of Maine Geological Survey;

Executive Director, Maine Land Use Regulation Commission;

Director of the Risk Management Division;

Chairman, Maine Unemployment Insurance Commission;

Director of the Bureau of State Employee Health; ~~and~~

Child Welfare Services Ombudsman; ; ~~and~~

Director of the Bureau of Intergovernmental Drug Enforcement.

Sec. 2. 5 MRSA §948, sub-§1, ¶G, as amended by PL 1987, c. 355, is further amended to read:

G. Two Deputy Chiefs, Bureau of State Police; ~~and~~

Sec. 3. 5 MRSA §948, sub-§1, ¶H, as enacted by PL 1987, c. 355, is amended to read:

H. Director, Bureau of Safety; ;

Sec. 4. 5 MRSA §948, sub-§1, ¶I and J are enacted to read:

I. Director, Bureau of Intergovernmental Drug Enforcement; and

J. Assistant Director, Bureau of Intergovernmental

Drug Enforcement.

Sec. 5. 25 MRSA §2902, sub-§6, as enacted by PL 1987, c. 411, §4, is amended to read:

6. Bureau of Intergovernmental Drug Enforcement. The Bureau of Intergovernmental Drug Enforcement, which shall be under the direction of the Director of the Bureau of Intergovernmental Drug Enforcement.

Sec. 6. 25 MRSA §2954, first ¶, as enacted by PL 1987, c. 411, §5, is amended to read:

In order to develop, coordinate and carry out a statewide drug enforcement program and strategy, there is established an Intergovernmental Drug Enforcement Policy Board which shall consist of the Attorney General; the Chief of the Maine State Police; the United States Attorney for the District of Maine; ~~2~~ 3 other members appointed by the Governor for ~~a term~~ terms of 2 years, one of whom shall be a representative of municipal law enforcement ~~and~~, one of whom shall be a representative of the sheriffs of the respective counties ~~and one of whom shall be a representative of the district attorneys of the respective counties;~~ and the commissioner who shall serve ex officio. The board shall provide advice, consultation and direction for the drug law enforcement effort within the State. This effort shall include the integration and coordination of investigative and prosecutorial functions in the State with respect to drug law enforcement. The board shall also make recommendations to the Legislature as it determines to be appropriate for the implementation of an effective drug law enforcement program.

Sec. 7. 25 MRSA §2955, 2nd ¶, as enacted by PL 1987, c. 411, §5, is amended to read:

The investigative component of each task force shall be comprised of law enforcement officers drawn from municipal, county and state law enforcement agencies, who, during the period in which they serve in the task force, shall be placed ~~in a leave of absence status on a temporary assignment~~ by their employing law enforcement agencies and in the nonclassified positions within the bureau as established. All bureau investigative personnel shall not be state employees, as defined in Title 26, section 979-A, subsection 6. All bureau investigative personnel shall act in accordance with such rules as may be promulgated by the commissioner and subject to policies and procedures established by the board. In determining the number, areas of responsibility and investigative complement of these task forces, the commissioner shall take into account geography, population, the need for service and the advice, consultation and direction provided by the board.

Sec. 8. 25 MRSA §2955, §§1, 2, 3 and 4, as enacted by PL 1987, c. 411, §5, are amended to read:

1. Director. The bureau shall be managed by a director who shall report to the commissioner. The

director must be an experienced law enforcement officer. The director shall be appointed by the commissioner from a list of at least 3 persons recommended by the board and shall serve at the pleasure of the commissioner. Eligibility for this appointment shall not be dependent upon the parent law enforcement agency, if any, of the person selected. ~~The director shall be compensated in a manner equivalent to that of other bureau directors within the Department of Public Safety.~~ If the person selected is currently an employee of any state, county or local law enforcement agency, the person shall be placed ~~in a leave of absence status on a temporary assignment~~ by the person's employing agency ~~and~~. The director shall report directly to the commissioner and outside of, notwithstanding any existing command structure of the person's employing agency. Notwithstanding any other provision of law, the person shall retain and continue to accrue seniority and retirement rights and benefits within the person's employing agency for the time in which the person serves as director.

2. Assistant director. The director of the bureau shall be assisted by an assistant director. The assistant director must be an experienced law enforcement officer and may exercise any of the powers of the director as the director may delegate ~~to him~~. The assistant director shall be appointed by and serve at the pleasure of the commissioner acting upon the recommendation of the board.

Eligibility for the selection shall not be dependent upon the parent law enforcement agency, if any, of the person selected. The assistant director shall be compensated in a manner equivalent to that of other assistant bureau directors within the Department of Public Safety. If the person selected is currently an employee of any state, county or local law enforcement agency, the person shall be placed ~~in a leave of absence status on a temporary assignment~~ by the person's employing agency ~~and~~. The assistant director shall report directly to the director and outside of, notwithstanding any existing command structure of the person's employing agency. Notwithstanding any other provision of law, the person shall retain and continue to accrue seniority and retirement rights and benefits within the person's employing agency for the ~~the~~ time in which the person serves as assistant director.

3. Task force investigative supervisors. Each task force shall be supervised by a task force investigative supervisor. Each supervisor must be an experienced law enforcement officer appointed by the director with the concurrence of the commissioner and shall serve at the pleasure of the director. The appointment of supervisors shall not be dependent upon the parent law enforcement agency, if any, of the person selected. Supervisors shall be compensated from the budget of the bureau in a manner equivalent to that of a sergeant assigned to the Drug Enforcement Unit of the Maine State Police, with respect to both regular and overtime compensation. If the person selected is currently an employee of any state, county or local law enforcement

agency, the person shall be placed ~~in a leave of absence status on a temporary assignment by the person's employing agency and.~~ A supervisor shall report directly to the director or assistant director ~~and outside of, notwithstanding any existing command structure of the person's employing agency.~~ Notwithstanding any other provision of law, the person shall retain and continue to accrue seniority and retirement rights and benefits within the person's employing agency for the time in which the person serves as supervisor.

4. Task force investigative agents. The investigative complement of each task force shall be comprised of task force investigative agents who shall be selected from municipal, county and state law enforcement agencies within the State. Agents shall be selected and appointed at the discretion of the director with the concurrence of the commissioner from among those officers nominated by the chief administrative officer of a prospective agent's employing agency. Agents shall serve at the pleasure of the director. ~~Persons appointed~~ Agents shall receive compensation, paid from the budget of the bureau, equivalent to that of a detective in the Maine State Police assigned to the Drug Enforcement Unit, with respect to both regular and overtime compensation with the additional credit given to seniority based upon law enforcement experience. All personnel selected as agents, whether from a municipal, or county or state law enforcement agency, shall be placed ~~in a leave of absence status on a temporary assignment by the person's employing agency and.~~ An agent shall report directly to ~~their~~ the task force supervisor ~~and outside of, notwithstanding any existing command structure of the person's employing agency.~~ Notwithstanding any other provisions of law, the person shall retain and continue to accrue seniority and retirement rights and benefits within the person's employing agency for the time in which the person serves as an agent.

Any person employed as a senior agent or special agent investigator within the Maine State Police may be temporarily assigned to the bureau. During such temporary assignment, the Maine State Police shall retain the positions of senior agent and special agent investigator.

5. Compensation; State Police personnel. Notwithstanding any other provision in this section, Maine State Police officers, senior agents and special investigative agents who are temporarily assigned to the bureau will continue to be paid from the budget of the Bureau of State Police, except that any additional compensation arising from such temporary assignment shall be paid from the budget of the bureau.

Sec. 9. 25 MRSA §2955, sub-§7 is enacted to read:

7. Compensation; State Police personnel. Notwithstanding any other provision in this section, Maine State Police officers, senior agents and special investigative agents who are temporarily assigned to the bureau will continue to be paid from the budget of the Bureau of State Police, except that any additional compensation

arising from such temporary assignment shall be paid from the budget of the bureau.

Sec. 10. 25 MRSA §2956, sub-§1 as enacted by PL 1987, c. 411, §5 is amended as follows:

1. Rules. ~~Notwithstanding any other provisions of law, the~~ The commissioner may adopt rules as to policies and practices in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, practices and policies respecting the administration of the bureau. The rules, practices and policies of the bureau shall be in conformity with state law and with the advice, consultation and direction provided by the board and shall accomplish the goal of an integrated drug enforcement effort. These rules, practices and policies may include:

- A. The qualifications, hiring, term of service and disciplinary standards for supervisors and agents;
- B. Protection as to financial and employment security for any law enforcement officer selected as any official of the bureau with respect to the person's position with any municipal, county or state law enforcement policy or political subdivision;
- C. Standard operating procedures for the bureau;
- D. Procurement procedures; or
- E. Procedures for dissemination of records.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 1, 1988.

## CHAPTER 667

S.P. 864 — L.D. 2252

### AN ACT to Correct Inconsistencies in the Publication of Legal Notices.

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

Sec. 1. 1 MRSA §601, as amended by PL 1967, c. 428, §1, is repealed and the following enacted in its place:

§601. Publication of legal notices and advertising

To be qualified as a medium for the publication of legal notices, legal advertising and other matter required by law to be published in a newspaper, a newspaper, unless otherwise ordered by the court in the proceedings, must be published and printed in whole or in part in this State; must be printed in the English language; must be entered as 2nd class postal matter in the United States mails at a post office in this State and must have general circulation in the vicinity where the notice is required