

# MAINE STATE LEGISLATURE

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**LAWS**

OF THE

**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FOURTEENTH LEGISLATURE

**FIRST REGULAR SESSION**

December 7, 1988 to July 1, 1989

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
SEPTEMBER 30, 1989

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

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J.S. McCarthy Company  
Augusta, Maine  
1989

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
of the  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
1989

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1. Availability of training. An evaluation of the availability of preservice, basic and in-service training throughout the State. The evaluation must cover whether any municipalities operated without adequate law enforcement officers with the power to make arrests because training was not available in a timely manner;

2. In-service training requirements. An explanation of in-service training requirements for law enforcement and corrections officers, including any changes in the requirements and a discussion of the adequacy of the requirements;

3. In-service training courses. An evaluation of available board-approved in-service training courses for law enforcement and corrections officers and the participation level in each;

4. Training for exempt law enforcement officers. An explanation and evaluation of the training provided by the state agencies for their law enforcement officers who are exempt from the requirements of this chapter under section 2801-B; and

5. Other information. Any other information the Legislature may request or the board determines is appropriate.

**Sec. 15. 34-A MRSA §5404, sub-§2,** as amended by PL 1989, c. 127, §14, is further amended to read:

2. Arrest. Arrest, after completing the entry level and orientation training course prescribed by the director, in the following circumstances:

- A. Arrest and return probation and parole violators upon request of the chief administrative officer of a correctional facility;
- B. Arrest and return to a correctional facility persons released from the correctional facility under section 3035; and
- C. If the officer has probable cause to believe that a person under the supervision of the Division of Probation and Parole has violated a condition of that person's probation or parole or intensive supervision, the officer may arrest that person.

**Sec. 16. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1990-91

CONSERVATION, DEPARTMENT OF

Division of Forest Fire Control

All Other	\$35,000
Provides funds for the law enforcement training of the department's forest rangers.	

Parks - General Operations

All Other	\$17,600
Provides funds for the training of the department's law enforcement related park managers.	

DEPARTMENT OF CONSERVATION  
TOTAL \$52,600

**Sec. 17. Effective date.** Sections 2 to 11, 14 and 15 of this Act shall take effect July 1, 1990.

See title page for effective date, unless otherwise indicated.

CHAPTER 522

H.P. 472 - L.D. 637

An Act to Improve Personnel Supervision in the Bureau of Intergovernmental Drug Enforcement

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

**Sec. 1. 25 MRSA §2955, sub-§2,** as amended by PL 1987, c. 666, §8, is further amended to read:

**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. 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~~ a captain in the 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 on a temporary assignment by the person's employing agency. The assistant director shall report directly to the director, 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 assistant director.

**Sec. 2. 25 MRSA §2955, sub-§2-A** is enacted to read:

**2-A. Regional commanders.** There shall be 2 regional commanders within the bureau who may exercise any powers the director may delegate. Each regional commander 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 appoint-

ment of regional commanders shall not be dependent upon the parent law enforcement agency, if any, of the person selected. Regional commanders shall be compensated from the budget of the bureau in a manner equivalent to that of a lieutenant in the 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 on a temporary assignment by the person's employing agency. A regional commander shall report directly to the director or assistant director, 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 regional commander.

**Sec. 3. 25 MRSA §2955, sub-§§3 and 4**, as amended by PL 1987, c. 666, §8, are further amended to read:

**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~~ drug 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 on a temporary assignment by the person's employing agency. A supervisor shall report directly to the ~~director or assistant director~~ regional commander, 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~~. Agents may be selected from municipal, county and state law enforcement agencies within the State and other state agencies, provided the prospective agent has been certified pursuant to section 2803, subsection 1; or may be other experienced law enforcement officers, provided each has been certified pursuant to section 2803, subsection 1. Agents shall be selected and appointed at the discretion of the director with the concurrence of the commissioner from among those ~~officers~~ persons nominated by the chief administrative officer of a prospective agent's employing agency and other experienced law enforcement officers who apply. Agents shall serve at the pleasure of the director. 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~~ If the person selected as agents, whether from a an agent is currently an employee of any municipal or county or state law enforcement agency, or any other state agency, the person shall be placed on a temporary assignment by the person's employing agency. An agent shall report directly to the task force supervisor, 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.

**Sec. 4. 25 MRSA §2955, sub-§5**, as enacted by PL 1987, c. 411, §5, and c. 666, §8, is repealed and the following enacted in its place:

**5. Authority of bureau officers.** The director, assistant director, regional commanders, supervisors and agents shall be vested at the discretion of the commissioner with the same powers and duties throughout the several counties of the State as sheriffs have in their respective counties to serve criminal processes, to investigate and prosecute violators of any law of this State and to arrest without warrant and detain persons found violating or attempting to violate any other penal law of the State until a warrant can be obtained. They shall have the same rights as sheriffs to require aid in executing the duties of their office.

**Sec. 5. 25 MRSA §2955, sub-§6**, as enacted by PL 1987, c. 411, §5, is amended to read:

**6. Task force attorneys.** The Attorney General, the United States Attorney for the District of Maine and the respective district attorneys may assign as many of their assistants and special assistants as they determine to be appropriate to each of the task forces. The attorneys shall be available to the regional commanders and supervisors for purposes of ongoing consultation and advice and shall be responsible for coordinating, with the regional commander or supervisor, the prosecutorial and investigative priorities of the task force in conformity with the advice, consultation and direction provided by the board and the policies, practices and procedures of the bureau.

See title page for effective date.

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## CHAPTER 523

H.P. 89 - L.D. 124

### An Act to Establish an Exemption from the Seaweed Permit for Certain Noncommercial Harvesting