

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1276

S. P. 405

In Senate, March 15, 1979

Referred to the Committee on Legal Affairs. Sent down for concurrence and ordered printed.

Presented by Senator Minkowsky of Androscoggin.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT Concerning Reserve Officer Standards for Professional Law
Enforcement Personnel.

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

25 MRSA Pt. 8-A is enacted to read:

PART 8-A

MAINE LAW ENFORCEMENT RESERVE OFFICER TRAINING BOARD

CHAPTER 381

RESERVE OFFICER STANDARDS

§ 3301. Maine Law Enforcement Reserve Officer Training Board

There is created a Maine Law Enforcement Reserve Officer Training Board consisting of members as follows: The Commissioner of Public Safety or his designee, ex officio; the Attorney General or his designee, ex officio; and the following to be appointed by the Governor: A commissioned officer of the Maine State Police; 2 county sheriffs; one deputy sheriff; 2 chiefs of municipal police departments; one municipal police officer; 2 Maine law enforcement reserve officers, one of whom is a certified reserve deputy sheriff and one of whom is a certified reserve municipal police officer; an educator; a representative from a

criminal justice agency not involved in the general enforcement of Maine criminal laws; a representative of a federal law enforcement agency; a citizen; and a city official.

The Commissioner of Public Safety, or his designee, and the Attorney General, or his designee, shall be members of the board during their terms of office. All of the other members of the board shall serve for a term of 3 years. Members of the board shall serve without compensation. Any vacancy on the board of trustees shall be filled in the same manner as the original appointment, but for the unexpired term. The board shall meet at such times as necessary to carry out its duties, but it shall meet at least twice each year at such place and time as the board shall determine and it shall meet at the call of the chairman. The board shall organize annually by electing a chairman, vice-chairman and secretary from among its members and shall establish a mailing address for the purpose of receiving communications from the public.

The purpose of the board shall be to establish standards and training programs for law enforcement reserve officers and to certify these officers.

§ 3302. Powers and duties

1. Powers and duties. The board shall have the following powers and duties.

A. The board shall establish standards of admission to training for reserve officers, which may include, but are not limited to, standards of work experience and physical and mental condition. The board may also establish educational standards but shall not establish graduation from high school as a standard.

B. The board shall approve training programs for the purpose of qualifying reserve officers, including prescription of curriculum and setting standards for graduation from such programs and for certification as a reserve officer. In addition, the board may approve other training programs for reserve officers.

The board shall certify in writing any person who, subsequent to the effective date of this Part, has satisfied the requirements for certification it has established.

The board may certify in writing without requiring additional training or testing a person who, prior to the effective date of this Part, has completed a training program substantially similar to the training requirement established by the board and who substantially meets all other requirements for certification at the time of his certification.

The board may certify in writing by requiring additional training or testing only in selected subjects a person who, prior to the effective date of this Part, has completed a training program substantially similar to the training requirement established by the board, except for training in those selected subjects, and substantially meets all other requirements for certification at the time of his

certification. An example of such a person would be one who, in addition to meeting other requirements, completed a training course in another State which is substantially similar to the course required by this Part, except for instruction of the criminal and traffic law of the other state.

C. The board may establish fees to be assessed for testing and certification in order to defray part of the costs of operation of the board and may accept grants from governmental and nongovernmental sources.

D. The board shall maintain a roster of all currently certified reserve officers. The roster shall be available for inspection during regular working hours by the public at the Office of the Commissioner of Public Safety.

2. Standards and training requirements. The standards and training requirements established and approved by the board shall not be greater than the standards and training requirements required for full-time law enforcement officers employed in the jurisdiction for which a reserve officer is training to be employed.

The board may establish different standards and training requirements for a municipality or classes of municipalities and for a county sheriff's department or classes of sheriff's departments. The board may establish classes of reserve officers, which reflect attainment of different levels of standards and training, provided that these levels relate to the different requirements of a municipality or classes of municipalities and a county sheriff's department or classes of county sheriff's departments.

§ 3303. Prohibition

No person shall identify himself as a Maine law enforcement reserve officer unless he has been so certified by the board.

STATEMENT OF FACT

The purpose of this bill is to establish a program to train and certify law enforcement reserve officers. Reserve officers take the place of regular officers and supplement the activities of regular officers in all aspects of law enforcement, which may include, but are not necessarily limited to, patrol functions, traffic direction, crowd control, etc. Reserve officers are being used frequently in Maine to aid full-time regular police officers in their daily duties and reserve officers encounter many of the same situations as do full time police officers; hence, the need for standards and training.

The bill establishes a board to develop standards and approve training programs for law enforcement reserve officers. The board may establish fees and accept grants to defray its costs. No appropriation will be required. Different standards, training programs and levels of certification may be established, in response to the different requirements of municipalities and sheriffs departments.

The certification program will be voluntary. Police and sheriff's departments will continue to be able to employ, for pay or not for pay, uncertified police officers or deputies. The program will be able to provide a pool of qualified, certified reserve officers and a person who is not certified may not identify himself as a Maine law enforcement reserve officer.