

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 1310

H.P. 979

House of Representatives, April 22, 1993

An Act to Promote Professionalism in the Law Enforcement Community.

Received by the Clerk of the House on April 20, 1993. Referred to the Committee on Legal Affairs and 1200 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative KETTERER of Madison.
Cosponsored by Senator HARRIMAN of Cumberland and
Representatives: BOWERS of Washington, CATHCART of Orono, HATCH of Skowhegan,
HEESCHEN of Wilton, LIPMAN of Augusta, OTT of York, PARADIS of Augusta,
RICHARDSON of Portland, ROTONDI of Athens, TRACY of Rome, Senator: CAREY of
Kennebec.

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

2 Sec. 1. 25 MRSA §2802, as amended by PL 1985, c. 194, is
4 further amended to read:

6 **§2802. Board of trustees**

8 There is created a board of trustees for the academy
10 consisting of 15 18 members as follows: The the Commissioner of
12 Public Safety, ex officio; the Attorney General, ex officio;
14 the Game Warden Colonel in the Department of Inland Fisheries and
16 Wildlife and the Commissioner of Corrections, ex officio; and
18 the following to be appointed by the Governor: A a commissioned
20 officer of the State Police; a county sheriff; a chief of a
22 municipal police department; 2 officers of municipal police
departments; 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; 4 citizens, at least 3 of whom have no law
enforcement affiliations; a municipal officer; and one
nonsupervisory corrections officer representing a state or county
correctional facility.

24 The Commissioner of Public Safety or his the commissioner's
26 designee, and the Attorney General or his the Attorney General's
28 designee, ~~shall be~~ are members of the board during their term
terms of office. All of the other members of the board shall
30 serve for a term of 3 years. Members of the board shall ~~be~~
32 compensated are entitled to compensation in accordance with Title
5, chapter 379. Any vacancy on the board of trustees shall must
be filled in the same manner as the original appointment, but for
the unexpired term.

34 Sec. 2. 25 MRSA §2803-B is enacted to read:

36 **§2803-B. Requirements of law enforcement agencies**

38 1. Board policies. The board shall require that all law
40 enforcement agencies in the State have minimum written policies
and procedures for using deadly force and dealing with barricaded
42 persons, persons with variant social capabilities, domestic
violence, bias crimes, fleeing felons, high-speed chases and
44 citizens' complaints. The board shall establish goals and
objectives for each policy and procedure.

46 2. Agency compliance with board policies. The chief law
48 enforcement officer of each law enforcement agency shall certify
to the board by July 1, 1994 that the agency has established
50 written policies and procedures consistent with the goals and
objectives established by the board pursuant to subsection 1.

2 Each law enforcement agency shall provide orientation for its
3 employees regarding the policies and procedures. Copies of
4 agency policies must be made available upon request.

6 3. Admission and certification standards. The board shall
7 set basic admission and certification standards that apply
8 beginning July 1, 1995, uniformly to state, county and municipal
9 candidates applying for admission to the academy. The board may
10 not allow a variation, waiver or deviation from the established
11 standards unless it is consistent with the general goals and
12 objectives of the academy. If the board allows a variation,
13 waiver or deviation, it shall provide a written statement
14 indicating the reason for that variation, waiver or deviation.

16 **Sec. 3. 25 MRSA §2804-B, sub-§9** is enacted to read:

18 9. Probationary period. A law enforcement officer's
19 probationary period may not begin until after completion of the
20 basic training course approved by the board.

22 **Sec. 4. 25 MRSA §2804-C, sub-§4,** as enacted by PL 1989, c.
23 521, §§5 and 17, is amended to read:

24 4. Courses. The board shall provide a training course, the
25 successful completion of which meets core curriculum
26 requirements. The board shall provide--a--basic ~~establish~~ a
27 uniform core curriculum for training course--designed--primarily
28 candidates for State Police and municipal and county law
29 enforcement officers positions. Specialized programs may be
30 offered following completion of the core curriculum.

32 **Sec. 5. 25 MRSA §2804-E, sub-§1,** as enacted by PL 1989, c.
33 521, §§5 and 17, is amended to read:

34 1. Required. As a condition to the continued employment of
35 any person as a law enforcement officer with the power to make
36 arrests or the authority to carry a firearm in the course of duty
37 by a municipality, county, the State or other nonfederal
38 employer, that person must successfully complete a minimum number
39 of hours of in-service training as prescribed by the board.
40 Subject to available funding, the board shall require a minimum
41 of 20 hours of in-service training annually for each law
42 enforcement officer. The board shall maintain in-service
43 training records for all officers for recertification purposes.

46 **Sec. 6. 25 MRSA §2804-E, sub-§4** is enacted to read:

48 4. Credit for continuing education. The board may grant
49 continuing education credit for courses completed at accredited
50 colleges and universities.

2 Sec. 7. 25 MRSA §2804-G is enacted to read:

4 §2804-G. Qualifications

6 1. Age. A person must be 21 years of age or older to
7 qualify for a position as a law enforcement officer. This
8 subsection does not apply to persons employed as law enforcement
9 officers on the effective date of this subsection.

10 2. Education. By January 1, 2000, an applicant for a law
11 enforcement position who has not previously been employed in a
12 law enforcement position must have an associate degree or its
13 equivalent.

16 Sec. 8. 25 MRSA §2806, sub-§1, ¶C, as amended by PL 1991, c.
17 790, §1, is further amended to read:

18 C. Shall investigate a complaint, on its own motion or when
19 recommended by the complaint review committee or otherwise,
20 regarding the failure of a law enforcement or corrections
21 officer to comply with the requirements of section e# 2804-E
22 or 2804-F, and any rules adopted under those sections. The
23 board may, upon notice, conduct an informal conference with
24 the officer. If the board finds that the factual basis of
25 the complaint is true and that further action is warranted,
26 it may take the following action:

27 (1) Enter into a consent agreement with the officer,
28 which agreement may contain provisions to ensure
29 compliance, including voluntary surrender of the
30 certificate and terms and conditions of
31 recertification; or

32 (2) Refer the complaint to the Attorney General for
33 action in the Administrative Court.

34 Sec. 9. 25 MRSA §2806-A is enacted to read:

35 §2806-A. Complaint review committee

36 1. Committee. The chair of the board shall appoint 3
37 members of the board to serve on the complaint review committee.
38 One of the members must be a citizen member. All members of the
39 committee must be present for deliberations and investigations.
40 A majority vote is necessary to recommend corrective or
41 disciplinary action on a complaint.

42 2. Investigation. The committee shall investigate
43 complaints regarding any violation by a law enforcement officer
44 regarding any violation by a law enforcement officer

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of this chapter or rules established by the board and recommend appropriate action to the board.

3. Board review. The board shall review unresolved citizen's complaints alleging a substantive offense under Title 17-A, Part 2 and cases involving injury or death resulting from the use of deadly force.

STATEMENT OF FACT

This bill makes the following changes related to the Maine Criminal Justice Academy and the training of law enforcement officers.

1. The bill increases the membership of the Board of Trustees of the Maine Criminal Justice Academy to include 3 additional citizen members.

2. The bill requires the board to adopt policies regarding procedures for using deadly force and dealing with barricaded persons, persons with variant social capabilities, domestic violence, bias crimes, fleeing felons, high-speed chases and citizens' complaints.

3. The bill requires the board to set uniform admission and certification standards.

4. The bill requires, subject to available funding, a minimum of 20 hours of in-service training annually for law enforcement officers.

5. The bill requires that all law enforcement officers other than those employed on the effective date of this bill be 21 years of age or older and requires that by January 1, 2000, an applicant for a law enforcement position must have an associate degree or the equivalent.

6. The bill establishes a complaint review committee to review certain complaints and make recommendations to the board.

7. The bill provides that a law enforcement officer's probationary period begins after completion of academy training.