

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**  
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE  
AT THE

SECOND REGULAR SESSION

January 4, 1978 to April 6, 1978

FIRST SPECIAL SESSION

(No laws enacted)

September 6, 1978 to September 15, 1978

SECOND SPECIAL SESSION

October 18, 1978

THIRD SPECIAL SESSION

December 6, 1978

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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**PUBLIC LAWS**  
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the benefits currently being received under section 1124, subsection 1, paragraph B, upon written application to the executive director provided the application is received by the executive director within 6 months following the notification to the board of trustees by the local participating district adopting this section.

Effective July 6, 1978

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## CHAPTER 701

### AN ACT to Establish Training Requirements for Corrections Officers.

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

Sec. 1. 25 MRSA § 2801, 2nd ¶, 1st sentence, as enacted by PL 1975, c. 579, § 5, is amended to read:

The purpose of the Maine Criminal Justice Academy shall be to provide a central training facility for all law enforcement and corrections personnel of the State and also for criminal justice personnel.

Sec. 2. 25 MRSA § 2802, first ¶, as last amended by PL 1975, c. 579, § 6, is further amended to read:

There is created a board of trustees for the academy consisting of ~~12~~ 13 members as follows: The Commissioner of Public Safety, ex officio, the Attorney General, ex officio, the Commissioner of Mental Health and Corrections, ex officio, and the following to be appointed by the Governor: A commissioned officer of the State Police, a county sheriff, a chief of a 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 and a municipal officer.

Sec. 3. 25 MRSA § 2803, sub-§ 2-A is enacted to read:

2-A. Training and certification of corrections personnel. In accordance with section 2802, to approve training programs for corrections officers, including prescription of curriculum and setting of standards for graduation from those approved programs;

Sec. 4. 25 MRSA § 2803, sub-§ 4, as repealed and replaced by PL 1975, c. 579, § 7, is amended to read:

4. Other training programs. To establish, within the limits of funds available

and with the approval of the commissioner, additional training programs considered to be beneficial to law enforcement officers, corrections officers and criminal justice personnel;

Sec. 5. 25 MRSA § 2805, sub-§ 1, as last amended by PL 1975, c. 770, § 113, is further amended by adding at the end, the following new paragraph:

As a condition to the continued employment of any person as a full-time corrections officer, as defined in subsection 2, paragraph C, by a municipality or county or by the State, the person shall successfully complete, within the first 12 months of his employment as a corrections officer, a basic training course of not less than 80 hours as approved by the Maine Criminal Justice Academy. The board of trustees, under extenuating and emergency circumstances in individual cases, may extend the period allowed for training for not more than 60 days. In addition, the board of trustees may, in individual cases, waive basic training requirements when the facts indicate that an equivalent course has been successfully completed in another state or federal jurisdiction within the last 2 years. This paragraph shall apply to any person employed as a full-time corrections officer as of the effective date of this paragraph, except that full-time corrections officers shall be exempt from the 12-months' requirement but shall successfully complete the basic training on or before January 1, 1980. Administrators of facilities where there are corrections officers who are not full-time, as defined in subsection 2, paragraph C, are encouraged to develop an orientation program for those persons.

Sec. 5-A. 25 MRSA § 2805, sub-§ 2, ¶ C is enacted to read:

C. "Full-time corrections officer" shall mean employment with the reasonable expectation of earning at least \$4,000 in any one calendar or fiscal year for performing corrections officer duties. "Corrections officer" shall mean as follows:

(1) For state agencies, the following class titles and their successor titles: Training School Counselor I and II; Training School Counselor Supervisor; Corrections Officer I, II and III; Guard; Guard Sergeant; Guard Lieutenant and Guard Captain; and

(2) For county, municipal and other agencies subject to this chapter, the Maine Criminal Justice Academy shall define the term "corrections officer."

Sec. 6. 25 MRSA § 2805, sub-§ 3, first sentence, as last amended by PL 1973, c. 136, § 3, is further amended to read:

As a condition to the continued employment of any person as a full-time local law enforcement officer by any municipality or county, or any person as a full-time corrections officer by any municipality or county or by the State, said person shall be enrolled in an in-service training program conducted by the ~~police~~ agency by which he is employed, the Maine Criminal Justice Academy or a program approved by the board of trustees.

Sec. 7. 25 MRSA § 2805, sub-3, as last amended by PL 1973, c. 672, § 2, is further amended by adding at the end the following new sentence to read:

The in-service training for corrections officers shall be for no less than 20 hours per year for each year of employment succeeding the initial training.

Sec. 8. 25 MRSA § 2805, sub-§ 4, as enacted by PL 1973, c. 672, § 3, is repealed and the following enacted in its place:

4. Employment list. Within 30 days of the close of each calendar year, the highest elected official of each political subdivision and the head of each state department and agency employing corrections officers subject to this chapter shall provide the academy board of trustees with a list of the names and dates of employment of all full-time law enforcement and corrections officers covered by this section. The official department and agency head shall further maintain records regarding the basic and in-service training of corrections officers, as provided for in subsections 1 and 3.

Sec. 9. 25 MRSA § 2806, sub-§§ 1 and 2, as enacted by PL 1973, c. 672, § 4, are repealed and the following enacted in their place:

1. Power. The board of trustees of the Maine Criminal Justice Academy shall have the power to suspend the right to enforce the criminal laws of the State of Maine of any law enforcement officer determined by the board to be in violation of section 2805. The board shall have the power to prohibit a corrections officer from any employment capacity as a corrections officer if that officer is found to be in violation of section 2805.

2. Hearing. In any case affecting the right to enforce the criminal law of any law enforcement officer, or affecting the right of any corrections officer to be employed as a corrections officer, the board of trustees shall conduct a hearing on the applicable facts.

Sec. 10. Study authorized. The Board of Trustees of the Maine Criminal Justice Academy shall conduct a study of the employment turnover of corrections officers subject to the provisions of this Act, to determine the causes of the turnovers, and whether and how the turnover may be reduced. The academy shall submit the results of its study, including recommendations, to the 109th Legislature not later than February 1, 1979. State and other government agencies shall provide assistance as requested by the academy in the conduct of the study.

Sec. 11. Appropriation. The following funds shall be appropriated from the General Fund to carry out the purposes of this Act:

	1978-79
PUBLIC SAFETY, DEPARTMENT OF	
Maine Criminal Justice Academy	
Unallocated	\$50,000

Funds appropriated by this section shall be used by the Maine Criminal Justice Academy solely to pay the salary expenses for replacements for corrections officers being trained pursuant to this Act while they are being trained. The payment shall be made as a reimbursement pursuant to written agreements between the academy and state, county and municipal agencies. The Board of Trustees of the Maine Criminal Justice Academy may use its discretion in allocation of the funds, consistent with the provisions of this Act. Any balances remaining at the end of the fiscal year shall not lapse, but shall be carried forward from year to year to be expended for the same purpose.

**Sec. 12. Transition clause.** It is the intent of the Legislature not to duplicate training efforts and to concentrate funds appropriated by this Act on correctional institutions and situations within institutions most lacking in corrections officer training. Therefore, in administering this Act for persons who are corrections officers at state and county institutions on the effective date of this Act, the Criminal Justice Academy shall liberally apply this Act's waiver of training requirements when an approximately equivalent course has been completed. In particular, this liberal application shall be done with respect to those officers who have completed the approximately equivalent courses which have been offered by the Criminal Justice Academy or by the Maine State Prison.

**Sec. 13. Effective date.** Section 7 of this Act shall become effective on July 1, 1979.

Effective July 6, 1978 Unless otherwise indicated

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## CHAPTER 702

**AN ACT Relating to the Place of Filing Under the Uniform Commercial Code.**

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

**Sec. 1.** 11 MRSA § 9-402, sub-§ (1), first sentence, as amended by PL 1977, c. 526, § 78, is further amended to read:

A financing statement is sufficient, if it gives the names of the debtors and the secured party, is signed by the debtor, gives an address of the secured party from which information concerning the security interest may be obtained, gives a mailing address of the debtor and contains a statement indicating the types, or describing the items, of collateral; **provided that, for purposes of this section, if the collateral is a mobile home as defined in Title 10, section 1402, subsection 2, the description of collateral shall include the location designated by the debtor in the security agreement as the place at which the mobile home is, or is to be, located.**