

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
LEGAL AFFAIRS

MAY 1994

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**ONE HUNDRED AND SIXTEENTH LEGISLATURE
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

MAY 1994

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number, together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

PUBLIC XXX

P&S XXX

RESOLVE XXX

CON RES XXX

EMERGENCY

ONTP

INDEF PP

FAILED ENACTMENT

FAILED EMERGENCY ENACTMENT

FAILED MANDATE ENACTMENT

DIED BETWEEN BODIES

CONF CMTE UNABLE TO AGREE

VETO SUSTAINED

UNSIGNED

DIED ON ADJOURNMENT

Chapter # of enacted Public Law

Chapter # of enacted Private & Special Law

Chapter # of enacted Resolve

Chapter # of Constitutional Resolution passed by both Houses

Enacted law takes effect sooner than 90 days

Ought Not to Pass report accepted

Bill Indefinitely Postponed

Bill failed to get majority vote

Emergency bill failed to get 2/3 vote

Bill imposing local mandate failed to get 2/3 vote

House & Senate disagree; bill died

Committee of Conference unable to agree; bill died

Legislature failed to override Governor's Veto

Not signed by Governor within 10 days

Action incomplete when session ended; bill died

These summaries were prepared by the analyst or analysts assigned to the committee. If you have any suggestions or comments on the summaries, please let us know.

5581LHS

The amendment also adds a fiscal note to the bill.

HOUSE AMENDMENT "A" (H-756) TO COMMITTEE AMENDMENT "A" (H-747) makes technical changes to clarify the intent of the committee.

LD 1114 **An Act to Amend the Laws Governing the Training and Certification of Law Enforcement Officers**

PUBLIC 744

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
KONTOS	OTP-AM	H-1062 DAGGETT H-969

SUMMARY

This bill makes the following changes to the laws governing the training and certification of law enforcement officers.

1. The bill specifies that the balance remaining in the Government Operations Surcharge Fund must be transferred monthly to a dedicated account within the budget of the Maine Criminal Justice Academy for local, county and state law enforcement officer training.
2. The bill increases from 15 to 17 the number of members of the board of trustees of the Maine Criminal Justice Academy.
3. The bill eliminates the requirement that the Chief of the State Police approve the core curriculum training requirements established by the board of trustees.
4. The bill specifies that the employment probationary period of a law enforcement officer may not begin until that officer successfully completes the academy program.
5. The bill requires the academy to adopt the community policing model in its training program.
6. The bill requires that all in-service training be certified by the board.
7. The bill permits the board to suspend or revoke the certificate of any person who has used deadly force that results in a death.

This bill was carried over from the First Regular Session.

HOUSE AMENDMENT "B" (H-1062) TO COMMITTEE AMENDMENT "A" replaces Committee Amendment "A" and incorporates many issues from LD 1310, An Act to Promote Professionalism in the Law Enforcement Community. This amendment makes the following changes to the laws governing the training and certification of law enforcement officers.

1. The amendment increases the membership of the Board of Trustees of the Maine Criminal Justice Academy to include 2 additional citizen members. It also adds the requirement that the 3 citizens members, the educator member and the municipal official member may not be currently and may never have been sworn officers of a law enforcement agency. The current members of the board who do not meet the new standards may serve until their terms expire.
2. The amendment requires the board to design uniform training and certification standards that equal or exceed any curriculum training requirements of the State Police effective on December 31, 1994 no later than March 1, 1995 and requires the board to report its recommendations and the necessary implementing legislation for a basic training course to the Legislature no later than April 1, 1995. The Legislature must approve any associated costs before the course may be implemented. It also

requires the board to establish minimum standards for each law enforcement policy no later than June 1, 1995 and procedures for agency compliance with the policies.

3. The amendment eliminates the requirement that the Chief of the State Police approve the basic training requirements established by the board of trustees, except that until the new joint training and certification standards are established, the Chief of the State Police shall approve the basic training requirements for enlisted personnel of the State Police for graduation from the academy.
4. The amendment requires the Board of Trustees of the Maine Criminal Justice Academy to set academic and physical admission standards that apply to all candidates applying for admission to the academy after December 31, 1995. These standards must equal or exceed any academic and physical admission standards, including standards of the State Police, in effect prior to January 1, 1996.
5. The amendment requires all law enforcement agencies to adopt policies regarding procedures for using force and dealing with barricaded persons, persons with variant social capabilities, domestic violence, hate or bias crimes, police pursuits, citizens' complaints of police misconduct and criminal conduct engaged in by law enforcement officers. The chief administrative officer of each agency shall certify to the board that attempts are made to obtain public comment during the policy formulation period.
6. The amendment specifies that the employment probationary period of a law enforcement officer begins upon being hired and lasts for at least one year after graduation from the academy.
7. The amendment requires that a person must be at least 21 years of age or older to qualify for a position as a law enforcement officer unless the person has an associate's degree or 60 credit hours of postsecondary education, in which case the person must be at least 20 years of age.
8. The amendment requires that annual reports from law enforcement agencies to the board must include the total number of excessive force complaints. The board may choose other categories that agencies shall record and report.
9. The amendment establishes a complaint review committee to review certain complaints and make recommendations to the board.
10. The amendment permits the board to suspend or revoke the certificate of any person who has engaged in conduct that violates the standards established by the board pursuant to the Maine Revised Statutes, Title 25, section 2803-B, subsection 1.
11. The amendment requires that the Board of Trustees of the Maine Criminal Justice Academy, subject to available funding, study the use of reserve and part-time law enforcement officers.
12. The amendment requires that the Board of Trustees of the Maine Criminal Justice Academy, subject to available funding, study the use of psychological examination for admission to the Maine Criminal Justice Academy basic training course.
13. The amendment requires the Board of Trustees of the Maine Criminal Justice Academy create a plan to implement a transition in the composition of the student body of the Maine Criminal Justice Academy.

The amendment also replaces the allocation and fiscal note in the amendment.

COMMITTEE AMENDMENT "A" (H-969) replaces the original bill and makes the following changes to the laws governing the training and certification of law enforcement officers.

1. The amendment specifies that payments from the Government Operations Surcharge Fund must, as well as being transferred to counties for costs associated with operations of the jail system, be transferred

monthly to a dedicated account within the budget of the Maine Criminal Justice Academy for local and county law enforcement officer training.

2. The amendment increases the membership of the Board of Trustees of the Maine Criminal Justice Academy to include 2 additional citizen members. It also adds the requirement that the 3 citizens members, the educator member and the municipal official member may not be currently and may never have been sworn officers of a law enforcement agency. The current members of the board who do not meet the new standards may serve until their terms expire.
3. The amendment requires the board to set uniform training and certification standards no later than December 30, 1994 and requires the board to report its recommendations and the necessary implementing legislation for a basic training course to the Legislature no later than January 30, 1995. The Legislature must approve the training course and any associated costs before the course may be implemented. It also requires the board to establish minimum standards for each law enforcement policy no later than June 1, 1995 and procedures for agency compliance with the policies.
4. The amendment eliminates the requirement that the Chief of the State Police approve the basic training requirements established by the board of trustees, except that until the new joint training and certification standards are established, the Chief of the State Police shall approve the basic training requirements for enlisted personnel of the State Police for graduation from the academy.
5. The amendment requires all law enforcement agencies to adopt policies regarding procedures for using force and dealing with barricaded persons, persons with variant social capabilities, domestic violence, hate or bias crimes, police pursuits, citizens' complaints of police misconduct and criminal conduct engaged in by law enforcement officers. The chief administrative officer of each agency shall certify to the board that attempts are made to obtain public comment during the policy formulation period.
6. The amendment specifies that the employment probationary period of a law enforcement officer begins upon being hired and lasts for at least one year after graduation from the academy.
7. The amendment requires a minimum of 15 hours of in-service recertification training annually for law enforcement officers.
8. The amendment requires that a person must be at least 21 years of age or older to qualify for a position as a law enforcement officer unless the person has an associate's degree or 60 credit hours of postsecondary education, in which case the person must be at least 20 years of age.
9. The amendment requires that annual reports from law enforcement agencies to the board must include the total number of excessive force complaints. The board may choose other categories that agencies shall record and report.
10. The amendment establishes a complaint review committee to review certain complaints and make recommendations to the board.
11. The amendment permits the board to suspend or revoke the certificate of any person who has engaged in conduct that violates the standards established by the board pursuant to the Maine Revised Statutes, Title 25, section 2803-B, subsection 1.
12. The amendment requires that the Board of Trustees of the Maine Criminal Justice Academy study the use of reserve and part-time law enforcement officers and create a plan to implement a transition in the composition of the student body of the Maine Criminal Justice Academy.
13. The amendment requires that the Board of Trustees study the use of psychological examination for admission to the Maine Criminal Justice Academy basic training course.

4 Legal Affairs

The amendment also adds a fiscal note.

HOUSE AMENDMENT "A" (H-1031) TO COMMITTEE AMENDMENT "A" would have replaced Committee Amendment "A". This amendment would have made changes to the laws governing the training and certification of law enforcement officers that are similar to the changes in House Amendment "B", except that House Amendment "B" specifies that the standards that apply to all candidates for admission to the academy must meet or exceed any academic and physical admission standards, including standards of the State Police, in effect prior to January 1, 1996.

The amendment also would have replaced the allocation and fiscal note in the amendment.

SENATE AMENDMENT "A" (S-572) TO COMMITTEE AMENDMENT "A" would have authorized the Board of Trustees of the Maine Criminal Justice Academy to offer to municipal chief law enforcement officers training course relating to background investigations of individuals seeking concealed firearm permits and would have further required that those chief law enforcement officers bear the responsibility for conducting those investigations. If there were no chief law enforcement in a municipality, the Chief of the State Police would have had to conduct the investigation.

SENATE AMENDMENT "B" (S-581) TO COMMITTEE AMENDMENT "A" would have replaced the committee amendment. The amendment would have incorporated House Amendment "A" to Committee Amendment "A", except that, additionally, this amendment would have authorized the Board of Trustees of the Maine Criminal Justice Academy to offer to municipal chief law enforcement officers training courses relating to background investigations of individuals seeking concealed firearm permits and would have further required that those chief law enforcement bear the responsibility for conducting those investigations. If there were no chief law enforcement officer in a municipality, the Chief of the State Police would have had to conduct the investigation.

SENATE AMENDMENT "C" (S-591) TO COMMITTEE AMENDMENT "A" would have replaced the committee amendment. This amendment would have incorporated House Amendment "B" to Committee Amendment "A" except that, additionally, this amendment would have required that the chief law enforcement officer in a municipality must have the responsibility for conducting background investigations of individuals seeking concealed firearm permits. If there were no chief law enforcement officer in a municipality, the Chief of the State Police or the sheriff in that county would have had to conduct the investigation.

LD 1198 An Act to Amend the Laws Governing Elections and Nominations by Political Parties ONTP

SPONSOR(S) COMMITTEE REPORT AMENDMENTS ADOPTED
ROWE ONTP

SUMMARY

This bill would have allowed for multiparty endorsement and nomination of candidates. This bill was carried over from the First Regular Session.

LD 1251 Resolve, Authorizing Stephanie Burton to Sue the Town of Freeport ONTP

SPONSOR(S) COMMITTEE REPORT AMENDMENTS ADOPTED
MITCHELL J ONTP