

MAINE STATE LEGISLATURE

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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

September 25, 1979

Linwood Ross
Deputy Secretary of State
Motor Vehicle Division
Augusta, ME 04330

Dear Mr. Ross:

You have requested an opinion of this office as to whether law enforcement training is mandated by State law for motor vehicle inspectors empowered by P.L. 1979, c. 559 to enforce the provisions of Chapter 5, subchapter III-A of Title 29 of the Maine Revised Statutes Annotated.

We answer in the negative.

25 MRSA § 2805 mandates training for all full-time law enforcement officers employed by a municipality or county. It also mandates training for all full-time corrections officers employed by a municipality, county, or by the State. It does not, however, mandate training for any full-time law enforcement personnel employed other than by a municipality or county, nor does it mandate training for any part-time law enforcement officers, however employed!

FN#1 P.L. 1979, c. 311 empowers the Maine Criminal Justice Academy to establish standards and training programs for reserve and other part-time law enforcement officers. Such training is not mandatory.

25 MRSA § 2805. In each instance the training for a full-time law enforcement officer not covered by 25 MRSA § 2805 is specifically mandated by a separate statute, for which there is no analogue as motor vehicle inspectors.

25 MRSA § 2805 (2)(A) defines "full-time" as "employment with the reasonable expectation of earning at least \$4,000 in any one... year for performing law enforcement duties." The authority of motor vehicle inspectors to enforce the criminal law is limited to enforcing 29 MRSA § 34, the only section in subchapter III-A establishing a criminal penalty. Thus, if a motor vehicle inspector does not expect to earn \$4,000 a year enforcing 29 MRSA § 342, he may be considered a part-time officer. As stated above, there is no mandate for the training of part-time officers.

For the reasons stated above, we conclude that motor vehicle inspectors hired under the authority of 29 MRSA § 52 are not, by virtue of P.L. 1979, c. 559, required to undergo law enforcement training. If we may be of further assistance to you, please contact the office.

Sincerely yours,

JAMES R. ERWIN
Assistant Attorney General

JRE/11

cc: Stephen Diamond
Steven Wright