

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2238

S. P. 782

In Senate, January 2, 1974

Referred to the Committee on State Government. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Speers of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FOUR

AN ACT Providing an Enforcement Provision for the Police Training Law.

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

Sec. 1. R. S., T. 25, § 2805, sub-§ 1, repealed and replaced. Subsection 1 of section 2805 of Title 25 of the Revised Statutes, as enacted by chapter 451 and as repealed and replaced by section 13-A of chapter 592, both of the public laws of 1971 and as amended, is repealed and the following enacted in place thereof:

1. **Basic training.** As a condition to the continued employment of any person as a full-time law enforcement officer by a municipality or county, said person shall successfully complete, within the first year of his employment, a basic training course at the Maine Criminal Justice Academy. The board of trustees, under extenuating and emergency circumstances in individual cases, may extend such period for not more than 60 days. In addition, the board of trustees may waive in individual cases such basic training requirement when the facts indicate that an equivalent course has been successfully completed. This section shall not apply to any person employed as a full-time local law enforcement officer on September 23, 1971.

Sec. 2. R. S., T. 25, § 2805, sub-§ 3, amended. Subsection 3 of section 2805 of Title 25 of the Revised Statutes, as enacted by chapter 451 and as repealed and replaced by section 13-A of chapter 592, both of the public laws of 1971 and as amended, is further amended by adding at the end a new sentence to read as follows:

The content of and time periods in which such in-service training shall take place shall be established by the board of trustees.

Sec. 3. R. S., T. 25, § 2805, sub-§ 4, additional. Section 2805 of Title 25 of the Revised Statutes, as enacted by chapter 451 and as repealed and replaced by section 13-A of chapter 592, both of the public laws of 1971 and as amended, is further amended by adding a new subsection 4 to read as follows:

4. Employment list. Within 30 days of the close of each calendar year, the highest elected official of each political subdivision shall provide the academy board of trustees with a list of the names and dates of employment of all full-time law enforcement officers covered by this section.

Sec. 4, R. S., T. 25, § 2806, additional. Title 25 of the Revised Statutes is amended by adding a new section 2806 to read as follows:

§ 2806. Enforcement provision

1. Power. The board of trustees of the Criminal Justice Academy shall have the power to suspend the right to enforce the criminal laws of the State of Maine of any person determined by such board 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, the board of trustees shall conduct a hearing on the applicable facts.

3. Procedure. A notice of hearing must be served on the defendant and the chief administrator of the employing law enforcement agency either by personal delivery in hand, by leaving it with a person of suitable age or discretion at his dwelling place or usual place of abode, or by sending it by registered mail to his last known address. The notice of hearing must be served at least 15 days before the time specified for the hearing. The notice of hearing must specify the time and place of hearing and the consequences of any failure to appear. The notice must also contain a conclusion indicating a violation of section 2805 and a citation of such section.

4. Decisions and notification. After the hearing on the applicable facts and law, the board of trustees shall notify the parties to the proceeding of the result of the hearing by sending a copy of the decision by registered mail, return receipt requested, to each party or his attorney of record. There shall be no suspension of enforcement powers until a date at least 2 weeks after the date of the notification of the decision of the board, and if the aggrieved party or parties, during the 2-week period, shall appeal the decision of the board to the Superior Court, then no suspension shall take effect until after hearing by said Superior Court.

5. Appeal procedure. Any party aggrieved by a final decision of the board of trustees, whether such decision is affirmative or negative in form, is entitled to appeal.

The appeal must be instituted by filing of complaint in the Superior Court at Kennebec County within 30 days after notification of the final decision of the board of trustees. Copies of the complaint must be sent to the Commissioner of Public Safety and all other parties of record. No responsive pleading need be filed.

6. Injunction. In the event of any continued violation of section 2805 subsequent to appropriate board decision or Superior Court appeal, the Attorney General may institute injunction proceedings to enjoin the further violation thereof.

STATEMENT OF FACT

This bill provides an enforcement provision for an existing state statute.