

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 2104

H. P. 2039

House of Representatives, January 24, 1978

Filed by the Joint Standing Committee on State Government Pursuant to Joint Rule 17.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

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 admission to and 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Sec. 4. 25 MRSA § 2803, sub-§ 4, as repealed and replaced by PL 1975, c. 579, § 7, is amended to read: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 6 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 6-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.

Sec. 6. 25 MRSA § 2805, sub-§ 2, last ¶, last sentence, as enacted by PL 1977, c. 203, is amended to read:

The board of trustees of the Maine Criminal Justice Academy shall be responsible for the application of the terms in this section, including the definition of the term "full-time corrections officer."

Sec. 7. 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. 8. 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 shall be for no less than 40 hours per year for each year of employment succeeding the initial training.

Sec. 9. 25 MRSA § 2805, sub-§ 4, as enacted by PL 1973, c. 672, § 3, is amended to read:

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 and corrections officers covered by this section. **The official shall further maintain records regarding the basic and in-service training of corrections officers, as provided for in subsections 1 and 3.**

Sec. 10. 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. 11. 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. 12. 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	
All Other	\$54,000

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.

STATEMENT OF FACT

This bill is the result of a study conducted by the Joint Standing Committee on State Government of the 108th Legislature pursuant to H. P. 1592. Copies of the report of the committee are available in the committee's hearing room in the State house in Augusta.

The bill establishes for corrections officers a statutory training requirement as is now required for law enforcement officers. The bill requires all full-time corrections officers, i.e., earning more than \$4,000 per year, to complete at least 2 weeks training within the first 6 months of their employment. In addition, the bill:

1. Assigns to the Maine Criminal Justice Academy the responsibilities for defining the term "corrections officer," for approving and conducting training programs, (other agencies may also conduct training programs with approval) and for waiving the training requirement in extraordinary circumstances;
2. Establishes an in-service program requiring training for corrections officers subsequent to their first year of employment;
3. Provides a sanction for violation of the statute which may be invoked by the Board of Trustees of the Maine Criminal Justice Academy;
4. Provides no grandfathering for current corrections officers — any person who is not waived by the Board of Trustees of the Criminal Justice Academy shall satisfy the training requirement by January 1, 1980;

5. Requires the Maine Criminal Justice Academy to conduct a study and report to the 109th Legislature on employment turnover of corrections officers; and

6. Appropriates \$54,000 to the Maine Criminal Justice Academy to be used solely to pay the salary expenses of corrections officers being trained pursuant to the bill. Payment is to be in the form of a reimbursement to state, county and municipal agencies.

Adoption of this bill can assure the minimal training necessary to satisfy requirements of recent case law and federal grant programs, in addition to staffing the institutions with personnel adequate for the job.