

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1069

H. P. 841

House of Representatives, March 5, 1979

On Motion of Mrs. Kany of Waterville, referred to the Committee on State Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Bowden of Brooklin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

AN ACT Relating to Resident State Police Troopers.

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

Sec. 1. 25 MRSA § 1508 is enacted to read:

§ 1508. Resident State Police trooper pilot project

1. Purpose and intent; definitions. It is the purpose of this section to establish a pilot project to provide resident State Police trooper services and to determine the demand for and feasibility of such a program. It is the intent of the Legislature that resident troopers funded by this pilot project shall be assigned only to those eligible localities least able to afford a full-time police officer and most in need of one, as measured by the crime rate, population, special law enforcement problems and resources of the locality. For purposes of this section, an "eligible locality" shall mean a municipality, an unorganized territory, 2 or more adjacent municipalities, 2 or more adjacent unorganized territories or any combination of adjacent municipalities and unorganized territories. Each municipality and unorganized territory which is part of an "eligible locality" shall lack a full-time law enforcement officer at the time of application to the program and while participating in the program, and shall satisfy all other requirements of this section.

**2. Appointment and assignment.** The Chief of the State Police may assign not more than 10 members from the State Police force as resident state troopers in addition to the regular State Police force to be employed and empowered as state troopers in any eligible locality, and these officers shall be detailed by the chief as resident State Police troopers for regular assignment to the eligible locality. Such assignment shall be consistent with amounts appropriated and allocated for the purposes of this section and shall be pursuant to a contract as specified in this section.

The Chief of the State Police shall assign as resident state troopers only state troopers in good standing who have had, at the time of their appointment, at least one year of satisfactory service as Maine State Police troopers. The chief shall exercise such supervision and direction over any resident state trooper as he deems necessary according to the rules and regulations of the Bureau of State Police. In the event that a situation arises which is not addressed by the contract or powers of the Community Law Enforcement Coordinating Committee, the decision of the Chief of the State Police shall be final. Each resident state trooper shall have the same powers as officers of the State Police force and of county and municipal police forces; shall be entitled to the same compensation, rights and benefits; and shall be subject to the same rules and regulations as members of the Bureau of State Police, provided those rules and regulations are consistent with this section. Each resident state trooper shall be considered a state employee for all purposes including any claims arising out of an act or omission occurring within the course or scope of his employment.

**3. Award of projects.** The Chief of the State Police may enter into contracts with not more than 10 eligible localities pursuant to this section.

The chief shall promulgate a rule which shall set out the procedure to be used by eligible localities in applying for a resident trooper and the standards and procedures which the chief shall use in selecting the eligible localities whose proposal for a resident trooper will be granted. The standards shall be based primarily on the eligible localities' crime rate, population, serious law enforcement problems unique to the locality and ability to pay, favoring those localities with high crime rates and population, the most serious law enforcement problems and lowest ability to pay. The chief shall make a written public finding which describes the reasons for selecting the eligible localities whose proposal for a resident trooper will be granted.

The chief may, in his discretion, refuse to offer a resident trooper to an eligible locality which has requested one, if to do so would be inconsistent with this section. In particular, the chief may refuse such an offer to an eligible locality if, in his view, the locality does not have a sufficiently great crime rate, population, or law enforcement problem, or has a sufficient ability to pay the full cost of a full-time organized police force. The chief shall make a written finding of such a refusal, stating the reasons therefor.

The chief may promulgate other rules necessary to attain the purpose of this section.

4. **Maintenance of effort.** The chief shall not award a resident state trooper program to any eligible locality which includes a municipality or unorganized territory which employed a full-time law enforcement officer, at any time after July 1, 1976. For the purposes of this section, employment of a full-time law enforcement officer shall mean payment of wages or a salary of \$4,000 or more during any period of 12 consecutive months subsequent to July 1, 1976, for the services of a local law enforcement officer or officers, as defined in Title 24, section 2805, subsection 2, paragraph A.

5. **Financing.** Each contracting eligible locality shall pay 3/4 of the cost of compensation, maintenance and other expenses of that detail. In order to implement the provisions and purposes of this section, each eligible locality may commit local tax funds and is authorized to receive funds from the State, county or Federal Government or any public or private organization which may now or in the future provide funds for this purpose.

6. **Contract.** An eligible locality and the Chief of the State Police are authorized to enter into contracts for these police services. These contracts shall commence not later than March 1, 1980 and shall be for a period of 2 years. Each proposed contract shall be submitted to the Attorney General for approval as to consistency with the intent of this section. The Attorney General shall approve or disapprove the contract within 30 days after receipt of a request for approval. The contract shall specify:

- A. The police services to be provided and the conditions under which they are provided;
- B. The manner of acquiring, holding and disposing of real and personal property acquired or used in performing the contract;
- C. The method of partial or complete termination of the contract and the obligations and responsibilities of each party on that termination; and
- D. Any other necessary and proper matters.

7. **Community Law Enforcement Coordinating Committee.** A Community Law Enforcement Coordinating Committee shall be appointed from among the residents of each municipality and unorganized territory planning to participate in the proposal of a contract or under contract. The committee shall consist of not fewer than 5 nor more than 11 members and shall be broadly representative of the eligible locality.

It shall be appointed as follows:

- A. For every municipality within an eligible locality, one or more members shall be appointed by the municipal officers of the municipality or municipalities as defined in Title 30, section 1901, subsection 7; and
- B. For every unorganized territory within an eligible locality, one or more members shall be appointed by the county commissioners of the county within which the territory is located.

The total number of members and the number from each municipality and territory shall be agreed to by each municipality and township within the eligible locality; provided, each municipality and territory shall have at least one member.

The committee shall have the powers to review and comment on any proposed contract; to receive monthly reports from the assigned resident trooper on services provided pursuant to the contract, in a form to be prescribed by the Chief of State Police; and to meet periodically with the assigned resident trooper, his immediate superior, and the contracting municipal and county officers to discuss law enforcement problems of the contracting eligible locality and services provided or to be provided by the resident trooper. Not later than the end of the 20th month under contract, the committee shall prepare and submit to the chief a report which evaluates the resident state trooper pilot project in its eligible locality. At a minimum, that report shall include a description and evaluation of the project and recommendations on how to solve the problem of providing police services to eligible localities most in need of and least able to provide those services.

8. Evaluation. Not later than February 1, 1981, the Chief of the State Police shall prepare and submit to the Legislature a report which evaluates the resident trooper pilot program established by this section. At a minimum, that report shall include:

- A. A description of the projects funded;
- B. An evaluation of the pilot program;
- C. Recommendations on how to solve the problem of providing police services to eligible localities most in need of and least able to provide these services; and
- D. A copy of each report submitted pursuant to subsection 6.

Sec. 2. Appropriation and allocation. In addition to such funds committed by local tax authority, there is appropriated from the General Fund to the Department of Public Safety, Bureau of State Police, the sum of \$18,013 for the fiscal year ending June 30, 1980, and \$13,613 for the fiscal year ending June 30, 1981, and there is allocated from the income of the General Highway Fund the sum of \$54,041 for the fiscal year ending June 30, 1980, and \$40,852 for the fiscal year ending June 30, 1981, to be used exclusively to carry out the purposes of this Act. These funds shall not lapse. The breakdown shall be as follows:

	1979-80	1980-81
PUBLIC SAFETY, DEPARTMENT OF		
Bureau of State Police		
Postions	(10)	(10)

Personal Services	\$38,009	\$43,594
All Other	14,042	10,871
Capital Expenditures	20,003	-
	<hr/>	<hr/>
Total	\$72,054	\$54,465

## STATEMENT OF FACT

The purpose of this bill is to establish the resident trooper program on a pilot basis not to exceed 10 troopers. Troopers will be assigned only to those localities least able to afford a full-time police officer and most in need of one.

The bill will:

1. Require the Chief of the State Police to consider the eligible locality's ability to pay and need (i.e., crime rate, population, special law enforcement problems) in determining whether to assign a resident to a locality;
2. Permit unorganized territories to participate in the program;
3. Set the eligible locality's share at 3/4 of the cost of a trooper;
4. Require that certain material be included in the contract between an eligible locality and the Chief of the State Police. The Chief of the State Police will retain final decision-making authority over the resident trooper, who will be considered a state employee for purposes including liability for acts or omissions within the course or scope of his employment;
5. Require an eligible locality participating in the program or planning to do so to establish a Community Law Enforcement Coordinating Committee with advisory powers; and
6. Appropriate funds for the program.