

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1389

H. P. 1135

House of Representatives, March 21, 1979

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

EDWIN H. PERT, Clerk

Presented by Mr. Paradis of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT Relating to the Maine Criminal Justice Academy.

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

Sec. 1. 25 MRSA § 2803, sub-§ 9 is enacted to read:

9. **Certification of instructors. To certify and set standards for certification of law enforcement and criminal justice instructors to be used in all academy basic and inservice training programs as required by the trustees and over which the trustees have statutory control.**

Sec. 2. 25 MRSA § 2805, sub-§ 4, as repealed and replaced by PL 1977, c. 701, § 8, is amended by adding at the end the following new paragraph:

Whenever a full-time local law enforcement officer or a full-time corrections officer is newly appointed, notification shall be sent within 30 days to the trustees by way of application for admission to the academy on the form approved for that purpose.

Sec. 3. 25 MRSA § 2806, sub-§ 2, as repealed and replaced by PL 1977, c. 701, § 9, is repealed and the following enacted in its place:

2. **Hearing; procedure. In any case affecting the right of a law enforcement officer to enforce the criminal law, or affecting the right of a corrections officer**

to be employed as a corrections officer, the board of trustees shall, upon determining that the law enforcement officer or corrections officer is in violation of section 2805, subsection 1, conduct a hearing on the applicable facts. The procedure for the hearing shall be in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV.

Sec. 4. 25 MRSA § 2806, sub-§ 3, as enacted by PL 1973, c. 672, § 4 is repealed.

Sec. 5. 25 MRSA § 2806, sub-§ 3-A is enacted to read:

3-A. **Judicial review; stay of revocation.** Any party aggrieved by a final decision of the board of trustees shall be entitled to judicial review in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter VII. Notwithstanding Title 5, section 11004, no suspension of law enforcement powers, nor any prohibition of employment as a corrections officer, shall become effective until 30 days after receipt of notice of the final decision by the party so aggrieved. If the aggrieved party shall petition the Superior Court for review within such 30-day period, no suspension shall take effect until the petition is heard in the Superior Court.

Sec. 6. 25 MRSA § 2806, sub-§ 4, as enacted by PL 1973, c. 672, § 4, is repealed.

Sec. 6. 25 MRSA § 2806, sub-§ 4-A is enacted to read:

4-A. **Injunction.** In the event of any continued violation of section 2805 subsequent to a final decision by the board of trustees or judicial review by the Superior Court, the Attorney General may institute injunction proceedings to enjoin that continued violation.

STATEMENT OF FACT

The purposes of this bill are as follows:

1. Section 1 is designed to improve the quality of instruction in academy-controlled training programs;
2. Section 2 is designed to enable the academy to monitor more closely the law enforcement training needs of the State. The current reporting provisions of Title 25, section 2505, subsection 4, do not allow the academy staff sufficient time to plan training programs to meet these training needs; and
3. The remaining sections of the bill bring the academy's administrative procedures into harmony with the Administrative Procedure Act.