

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 172

6
7 S.P. 65

In Senate, January 12, 1983

8 Reference to the Committee on State Government. Sent down for
9 concurrence and ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Kany of Kennebec.

11 Cosponsors: Senator Diamond of Cumberland, Representative Ketover of
Portland and Senator Trafton of Androscoggin.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT Regarding Training Requirements
18 for Law Enforcement Officers.
19

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

22 Sec. 1. 25 MRSA §2803, sub-§3-A is enacted to
23 read:

24 3-A. Training and certification of reserve and
25 other part-time law enforcement officers. In accor-
26 dance with section 2805-A to establish standards and
27 training programs for reserve and other part-time law
28 enforcement officers and to certify these officers;

29 Sec. 2. 25 MRSA §2803, sub-§§10 and 11 are
30 enacted to read:

31 10. Revocation or suspension of law enforcement
32 or corrections officer certification. To revoke or

1 suspend a certificate issued under section 2805 or
2 section 2805-A, or a waiver granted pursuant to those
3 sections, through the procedure described in section
4 2806.

5 11. Testing. To develop and administer tests
6 of law enforcement officers to assure their basic
7 familiarity with the provisions of the Maine Criminal
8 Code prior to assuming their law enforcement duties.

9 Sec. 3. 25 MRSA §2805, sub-§2, ¶A, as amended
10 by PL 1977, c. 650, §2, is further amended to read:

11 A. "Full-time ~~shall mean~~ means employment with
12 the reasonable expectation of earning at least
13 \$4,000 ~~\$6,000~~ in any one calendar or fiscal year
14 for performing law enforcement duties.

15 Sec. 4. 25 MRSA §2805, sub-§2, ¶C, as enacted
16 by PL 1977, c. 701, §5-A, is amended to read:

17 C. "Full-time corrections officer" ~~shall mean~~
18 means employment with the reasonable expectation
19 of earning at least \$4,000 ~~\$6,000~~ in any one cal-
20 endar or fiscal year for performing corrections
21 officer duties. "Corrections officer" ~~shall mean~~
22 means as follows:

23 (1) For state agencies, the following class
24 titles and their successor titles: Training
25 School Counselor I and II; Training School
26 Counselor Supervisor; Corrections Officer I,
27 II and III; Guard; Guard Sergeant; Guard
28 Lieutenant and Guard Captain; and

29 (2) For county, municipal and other agen-
30 cies subject to this chapter, the Maine
31 Criminal Justice Academy shall define the
32 term "corrections officer."

33 Sec. 5. 25 MRSA §2805, sub-§5 is enacted to
34 read:

35 5. Testing. Prior to assuming duties as a
36 full-time law enforcement officer, a person shall
37 successfully complete an examination administered by
38 the academy to assure basic familiarity with the
39 provisions of the Maine Criminal Code.

1 Sec. 6. 25 MRSA §2805-A, sub-§§2 and 3, as
2 enacted by PL 1979, c. 311, are amended to read:

3 2. Powers and duties. The board of trustees of
4 the Maine Criminal Justice Academy shall have the
5 following powers and duties.

6 A. The academy board of trustees shall establish
7 standards of admission to training for reserve
8 and part-time officers which may include, but are
9 not limited to, standards of work experience and
10 physical and mental condition. The academy board
11 of trustees may also establish educational stan-
12 dards but shall not establish graduation from
13 high school as a standard.

14 B. The academy board of trustees shall approve
15 training programs for the purpose of qualifying
16 reserve and part-time officers, including pre-
17 scription of curriculum and setting standards for
18 graduation from such programs and for certifica-
19 tion as a reserve or part-time officer. In addi-
20 tion, the academy may approve other training pro-
21 grams for reserve and part-time officers.

22 The academy board of trustees shall certify in
23 writing any person who, subsequent to the effec-
24 tive date of this section, has satisfied the re-
25 quirements for certification it has established.

26 The academy board of trustees may certify in
27 writing without requiring additional training or
28 testing a person who, prior to the effective date
29 of this section, has completed a training program
30 substantially similar to the training requirement
31 established by the academy board of trustees and
32 who substantially meets all other requirements
33 for certification at the time of his certifica-
34 tion.

35 The academy may certify in writing by requiring
36 additional training or testing only in selected
37 subjects a person who, prior to the effective
38 date of this section, has completed a training
39 program substantially similar to the training re-
40 quirement established by the academy, except for
41 training in those selected subjects, and substan-

1 tially meets all other requirements for certifi-
2 cation at the time of his certification. An
3 example of such a person would be one who, in ad-
4 dition to meeting other requirements, completed
5 a training course in another state which is sub-
6 stantially similar to the course required by this
7 section, except for instruction of the criminal
8 and traffic law of the other state.

9 C. The academy board of trustees may establish
10 fees to be assessed for testing and certification
11 in order to defray part of the costs of operation
12 of this section and may accept grants from gov-
13 ernmental and nongovernmental sources for this
14 purpose.

15 D. The academy board of trustees shall maintain
16 a roster of all currently certified reserve and
17 part-time officers. The roster shall be avail-
18 able for inspection during regular working hours
19 by the public at the academy.

20 E. The board of trustees shall develop and ad-
21 minister tests of reserve and part-time law
22 enforcement officers to assure their basic famil-
23 iarly with the provisions of the Maine Criminal
24 Code prior to assuming their law enforcement
25 duties.

26 3. Standards and training requirements. The
27 standards and training requirements established and
28 approved by the academy board of trustees shall not
29 be greater than the standards and training require-
30 ments required for full-time law enforcement officers
31 employed in the jurisdiction for which a reserve or
32 part-time officer is training to be employed.

33 The academy board of trustees may establish different
34 standards and training requirements for a municipali-
35 ty or classes of municipalities and for a county
36 sheriff's department or classes of sheriff's depart-
37 ments. The academy board of trustees may establish
38 classes of reserve or part-time officers, which
39 reflect attainment of different levels of standards
40 and training, provided that these levels relate to
41 the different requirements of a municipality or clas-
42 ses of municipalities and a county sheriff's depart-
43 ment or classes of county sheriff's departments.

1 Sec. 7. 25 MRSA §2805-A, sub-§4, as enacted by
2 PL 1979, c. 311, is repealed and the following
3 enacted in its place:

4 4. Certification required. As a condition to
5 the continued employment of any person as a reserve
6 or part-time law enforcement officer by a municipal-
7 ity or county, the person must receive from the acad-
8 emy, within the first year of his employment certifi-
9 cation or a waiver of certification as a reserve or
10 part-time law enforcement officer. The board of
11 trustees, under extenuating and emergency circum-
12 stances in individual cases, may extend this period
13 for not more than 60 days.

14 Sec. 8. 25 MRSA §2805-A, sub-§§5 and 6 are
15 enacted to read:

16 5. Employment list. Within 30 days of the
17 close of each calendar year, the highest elected
18 official of each political subdivision shall provide
19 the academy board of trustees with a list of the
20 names and dates of employment of all reserve and
21 part-time law enforcement officers covered by this
22 section.

23 Whenever a reserve or part-time local law enforcement
24 officer is newly appointed, such highest elected
25 official, or department and agency head, shall send
26 notice of appointment within 30 days to the trustees
27 on a form approved for that purpose. The form shall
28 be deemed an application for admission to the train-
29 ing program or for other certification as required by
30 this section.

31 6. Testing. Prior to assuming duties as a
32 reserve or part-time law enforcement officer, a
33 person shall successfully complete an examination ad-
34 ministered by the academy to assure basic familiarity
35 with the provisions of the Maine Criminal Code.

36 Sec. 9. 25 MRSA §2806, sub-§1-A is enacted to
37 read:

38 1-A. Revocation or suspension of certifica-
39 tion. The board of trustees of the Maine Criminal
40 Justice Academy may revoke or suspend a certificate

1 issued under section 2805 or section 2805-A, or a
2 waiver granted pursuant to those sections, if the
3 board determines that the officer so certified:

4 A. Has been found guilty of a Class A, B or C
5 crime or murder;

6 B. Has been found guilty of any crime in this or
7 another jurisdiction for which the maximum term
8 of imprisonment prescribed by law exceeds one
9 year;

10 C. Has been found guilty of any crime in this or
11 another jurisdiction for which the maximum term
12 of imprisonment prescribed by law is not less
13 than 6 months, and which involves moral turpi-
14 tude; or

15 D. Has demonstrated through actions or failures
16 to act his unfitness to perform the duties of an
17 officer.

18 STATEMENT OF FACT

19 This bill makes certain modifications in the law
20 regarding training of law enforcement officers in
21 order to assure their competence to carry out their
22 duties.

23 Sections 1, 7 and 8 provide that part-time and
24 reserve law enforcement officers must receive certi-
25 fication or a waiver of certification from the Maine
26 Criminal Justice Academy within the first year of
27 their employment. This is similar to the present re-
28 quirement for full-time officers, although the spe-
29 cific training requirements for part-time officers
30 may vary from the extensive training demanded of
31 full-time officers.

32 Sections 2 and 9 provide that the board of
33 trustees of the academy may revoke or suspend certi-
34 fication of officers for the grounds stated in
35 section 9.

36 Section 2 together with section 5, section 6 and
37 section 8 provide for the academy to administer tests

1 to assure basic familiarity with the Maine Criminal
2 Code. Successful completion of such tests would
3 become a prerequisite to serving as a law enforcement
4 officer in this State.

5 Sections 3 and 4 amend the definitions of full-
6 time officer in the training law by raising the
7 annual earnings amount from \$4000 to \$6000. This
8 reflects the general increase in law enforcement sal-
9 aries since the provision was last amended, and is
10 intended to be a rational dividing line between offi-
11 cers who should be considered "part-time" and those
12 who should be considered "full-time."

13 Section 6 corrects several references in the law
14 which refer to powers of the "academy" by replacing
15 this term with the phrase "board of trustees."

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