

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1
2

3
4

5
6

7
8

9
10
11
12

13

14
15

16
17
18

19
20
21

22
23

24
25

26
27
28
29

30
31

(New Draft of S.P. 65, L.D. 172)
(New Title)

FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document No. 881

S.P. 295 In Senate, February 25, 1983
Reported by Senator Violette from the Committee on State Government
and printed under Joint Rule 2.

JOY J. O'BRIEN, Secretary of the Senate

STATE OF MAINE

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

AN ACT to Require Training for Certain
Part-time Law Enforcement Officers.

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

Sec. 1. 25 MRSA §2805, sub-§2, ¶A, as amended by PL 1977, c. 650, §2, is further amended to read:

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

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

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

7 (1) For state agencies, the following class
8 titles and their successor titles: Training
9 School Counselor I and II; Training School
10 Counselor Supervisor; Corrections Officer I,
11 II and III; Guard; Guard Sergeant; Guard
12 Lieutenant and Guard Captain; and

13 (2) For county, municipal and other agen-
14 cies subject to this chapter, the Maine
15 Criminal Justice Academy shall define the
16 term "corrections officer."

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

19 2. Powers and duties. The board of trustees of
20 the Maine Criminal Justice Academy shall have the
21 following powers and duties.

22 A. The academy board of trustees shall establish
23 standards of admission to training for reserve
24 and part-time officers which may include, but are
25 not limited to, standards of work experience and
26 physical and mental condition. The academy board
27 of trustees may also establish educational stan-
28 dards but shall not establish graduation from
29 high school as a standard.

30 B. The academy board of trustees shall approve
31 training programs for the purpose of qualifying
32 reserve and part-time officers, including pre-
33 scription of curriculum and setting standards for
34 graduation from such programs and for certifica-
35 tion as a reserve or part-time officer. In addi-
36 tion, the academy may approve other training pro-
37 grams for reserve and part-time officers.

38 The academy board of trustees shall certify in
39 writing any person who, subsequent to the effec-
40 tive date of this section, has satisfied the re-

1 quirements for certification it has established.

2 The academy board of trustees may certify in
3 writing without requiring additional training or
4 testing a person who, prior to the effective date
5 of this section, has completed a training program
6 substantially similar to the training requirement
7 established by the academy board of trustees and
8 who substantially meets all other requirements
9 for certification at the time of his certifica-
10 tion.

11 The academy board of trustees may certify in
12 writing by requiring additional training or test-
13 ing only in selected subjects a person who, prior
14 to the effective date of this section, has com-
15 pleted a training program substantially similar
16 to the training requirement established by the
17 academy, except for training in those selected
18 subjects, and substantially meets all other re-
19 quirements for certification at the time of his
20 certification. An example of such a person would
21 be one who, in addition to meeting other require-
22 ments, completed a training course in another
23 state which is substantially similar to the
24 course required by this section, except for
25 instruction of the criminal and traffic law of
26 the other state.

27 C. The academy board of trustees may establish
28 fees to be assessed for testing and certification
29 in order to defray part of the costs of operation
30 of this section and may accept grants from gov-
31 ernmental and nongovernmental sources for this
32 purpose.

33 D. The academy board of trustees shall maintain
34 a roster of all currently certified reserve and
35 part-time officers. The roster shall be avail-
36 able for inspection during regular working hours
37 by the public at the academy.

38 3. Standards and training requirements. The
39 standards and training requirements established and
40 approved by the academy board of trustees shall not
41 be greater than the standards and training require-
42 ments required for full-time law enforcement officers

1 employed in the jurisdiction for which a reserve or
2 part-time officer is training to be employed.

3 The academy board of trustees may establish different
4 standards and training requirements for a municipal-
5 ity or classes of municipalities and for a county
6 sheriff's department or classes of sheriff's depart-
7 ments. The academy board of trustees may establish
8 classes of reserve or part-time officers, which
9 reflect attainment of different levels of standards
10 and training, provided that these levels relate to
11 the different requirements of a municipality or clas-
12 ses of municipalities and a county sheriff's depart-
13 ment or classes of county sheriff's departments.

14 Sec. 4. 25 MRS §2805-A, sub-§4, as enacted by
15 PL 1979, c. 311, is repealed and the following
16 enacted in its place:

17 4. Certification required. As a condition to
18 the continued employment of any person as a reserve
19 or part-time law enforcement officer by a municipal-
20 ity or county, except a law enforcement officer with-
21 out the power to arrest and without the authority to
22 carry a weapon, the person must receive from the
23 academy, within the first year of his employment,
24 certification or a waiver of certification as a
25 reserve or part-time law enforcement officer. The
26 board of trustees, under extenuating and emergency
27 circumstances in individual cases, may extend this
28 period for not more than 60 days.

29 Sec. 5. 25 MRS §2805-A, sub-§5 is enacted to
30 read:

31 5. Employment list. Within 30 days of the
32 close of each calendar year, the highest elected
33 official of each political subdivision shall provide
34 the academy board of trustees with a list of the
35 names and dates of employment of all reserve and
36 part-time law enforcement officers covered by this
37 section.

38 Whenever a reserve or part-time local law enforcement
39 officer is newly appointed, such highest elected
40 official, or department and agency head, shall send
41 notice of appointment within 30 days to the trustees

1 on a form approved for that purpose. The form shall
2 be deemed an application for admission to the train-
3 ing program or for other certification as required by
4 this section.

5 Sec. 6. 25 MRSA §2807 is enacted to read:

6 §2807. Municipal reports of dismissed law enforce-
7 ment officers

8 In the event that a law enforcement officer has
9 resigned from or been dismissed from his position in
10 a municipality or county for having been convicted of
11 a Class A, Class B, Class C or Class D crime, the
12 municipal officers or their designee or the county
13 commissioners or their designee shall expeditiously
14 notify the Director of the Maine Criminal Justice
15 Academy with the name of the convicted law enforce-
16 ment officer, the class of crime committed, the date
17 the offense was committed and a brief description of
18 the crime.

19 For the purpose of this section, law enforcement
20 officer means a full-time or part-time police offi-
21 cer, special police officer, constable, sheriff or
22 deputy sheriff.

23 The Director of the Maine Criminal Justice
24 Adacemy shall maintain a list of all the persons
25 reported under this section which shall be made
26 available to any municipality or county or to the
27 State for the purpose of hiring law enforcement offi-
28 cers.

29 STATEMENT OF FACT

30 The purpose of this new draft is to require part-
31 time law enforcement officers, except officers who do
32 not have the authority to carry a weapon and who do
33 not have the power of arrest, to obtain certification
34 from the Maine Criminal Justice Academy within the
35 first year of employment. The Maine Criminal Justice
36 Academy will provide a 100-hour course to be given in
37 different parts of the State. A law enforcement offi-
38 cer may take the course and continue to work as a law
39 enforcement officer in the municipality or county
40 where the person is employed.

