

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 1152

6  
7 H.P. 865

House of Representatives, March 9, 1983

8 Submitted by the Department of Public Safety pursuant to Joint Rule 24.  
9 Speaker laid before the House and on Motion of Representative Paradis  
10 of Augusta referred to the Committee on State Government. Sent up for  
concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Kelleher of Bangor.  
11

12 STATE OF MAINE  
13

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

17 AN ACT to Authorize the Maine Criminal  
18 Justice Academy to Revoke Officer  
19 Certification.  
20

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

23 Sec. 1. 25 MRSA §2803, sub-§7, as repealed and  
24 replaced by PL 1975, c. 579, §7, is amended to read:

25 7. Accept funds and grants. With the approval of  
26 the commissioner, to accept such federal funds or  
27 grants as may be available to carry out the purposes  
28 of the academy; and

29 Sec. 2. 25 MRSA §2803, sub-§8, as repealed and  
30 replaced by PL 1975, c. 579, §7, is amended to read:

31 8. Acquire facilities. With the approval of the  
32 commissioner, to lease, rent or acquire adequate

1 facilities to conduct the academy's training pro-  
2 grams-;

3 Sec. 3. 25 MRSA §2803, sub-§9, as enacted by PL  
4 1979, c. 261, §1, is amended to read:

5 9. Certification of instructors. To certify and  
6 set standards for certification of law enforcement  
7 and criminal justice instructors to be used in all  
8 academy basic and inservice training programs as re-  
9 quired by the trustees and over which the trustees  
10 have statutory control-; and

11 Sec. 4. 25 MRSA §2803, sub-§10 is enacted to  
12 read:

13 10. Revocation or suspension of law enforcement  
14 or corrections officer certification. To revoke or  
15 suspend a certificate issued under section 2805 or  
16 section 2805-A, or a waiver granted pursuant to those  
17 sections, through the procedure described in section  
18 2806.

19 Sec. 5. 25 MRSA §2806, sub-§1, as repealed and  
20 replaced by PL 1977, c. 701, §9, is repealed and the  
21 following enacted in its place:

22 1. Power. The board of trustees of the Maine  
23 Criminal Justice Academy may suspend the right to  
24 enforce the criminal laws of the State or to act to  
25 revoke or suspend a certificate issued or a waiver  
26 granted pursuant to section 2805 or 2805-A, if the  
27 board determines that the officer:

28 A. Is in violation of section 2805;

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

31 C. Has been found guilty of any crime in this or  
32 another jurisdiction for which the maximum term  
33 of imprisonment prescribed by law exceeds one  
34 year;

35 D. Has been found guilty of any crime in this or  
36 another jurisdiction for which the maximum term  
37 of imprisonment prescribed by law is not less

1 than 6 months and which involves moral turpitude;  
2 or

3 E. Has been found in violation of section 2805,  
4 subsection 1, in accordance with the Maine Admin-  
5 istrative Procedure Act, Title 5, chapter 375,  
6 subchapters V and VI.

7 The board may prohibit a corrections officer from any  
8 employment capacity as a corrections officer, if that  
9 officer is found to be in violation of section 2805.

10 Sec. 6. 25 MRSa §2806, sub-§2, as repealed and  
11 replaced by PL 1979, c. 261, §3, is repealed and the  
12 following enacted in its place:

13 2. Hearing; procedure. In any case affecting the  
14 right of a law enforcement officer to enforce the  
15 criminal law, or affecting the right of a corrections  
16 officer to be employed as a corrections officer, the  
17 board of trustees shall, upon a preliminary determi-  
18 nation that the law enforcement officer or correc-  
19 tions officer is in violation of section 2805, sub-  
20 section 1, conduct a hearing on the applicable facts.  
21 The procedure for the hearing shall be in accordance  
22 with the Maine Administrative Procedure Act, Title 5,  
23 chapter 375, subchapter IV. The procedure to revoke  
24 or suspend a certificate issued or a waiver granted  
25 pursuant to section 2805 or 2805-A, shall be in ac-  
26 cordance with the Maine Administrative Procedure Act,  
27 Title 5, chapter 375, subchapters V and VI.

28 STATEMENT OF FACT

29 This bill proposes to give the Board of Trustees  
30 of the Maine Criminal Justice Academy the authority  
31 to revoke or suspend certificates of training issued  
32 to law enforcement or corrections officers. Current  
33 law provides, in Title 25, section 2806, that the  
34 trustees may in certain cases prohibit these officers  
35 from performing their duties in the State, based upon

1 violations of section 2805. The proposed change would  
2 assure that officers who are certified under our law  
3 could not use that certification to obtain employment  
4 in this State or elsewhere, where good reason exists  
5 to revoke or suspend their certification.

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