

MAINE STATE LEGISLATURE

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(New Draft of H.P. 865, L.D. 1152)

FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 1505

H.P. 1141

House of Representatives, April 21, 1983

Reported by Representative Gwadosky from the Committee on State Government and printed under Joint Rule 2.

Original bill sponsored by Representative Kelleher of Bangor.

EDWIN H. PERT, Clerk

STATE OF MAINE

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

AN ACT to Authorize the Maine
Criminal Justice Academy to Revoke
Officer Certification.

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

Sec. 1. 25 MRSA §2803, sub-§1, as repealed and replaced by PL 1975, c. 579, §7, is amended to read:

1. Training and certification of deputy sheriffs and local law enforcement officers. In accordance with the provisions of section 2805 to set standards for admission to the academy, set requirements for graduation from the academy, prescribe curriculum and certify both graduates of the academy and persons for whom the board of trustees have waived the requirements of section 2805;

1 Sec. 2. 25 MRSA §2803, sub-§2-A, as amended by
2 PL 1981, c. 470, Pt. A, §139, is further amended to
3 read:

4 2-A. Training and certification of corrections
5 personnel. In accordance with section 2805, to
6 approve training programs for corrections officers,
7 including prescription of curriculum and setting of
8 standards for graduation from those approved programs
9 and certification of persons graduating from the
10 basic training course prescribed in section 2805,
11 subsection 1;

12 Sec. 3. 25 MRSA §2803, sub-§§7 and 8, as
13 repealed and replaced by PL 1975, c. 579, §7, are
14 amended to read:

15 7. Accept funds and grants. With the approval of
16 the commissioner, to accept such federal funds or
17 grants as may be available to carry out the purposes
18 of the academy; ~~and~~

19 8. Acquire facilities. With the approval of the
20 commissioner, to lease, rent or acquire adequate
21 facilities to conduct the academy's training pro-
22 grams-;

23 Sec. 4. 25 MRSA §2803, sub-§9, as enacted by PL
24 1979, c. 261, §1, is amended to read:

25 9. Certification of instructors. To certify and
26 set standards for certification of law enforcement
27 and criminal justice instructors to be used in all
28 academy basic and ~~in-service~~ in-service training pro-
29 grams as required by the trustees and over which the
30 trustees have statutory control-; ~~and~~

31 Sec. 5. 25 MRSA §2803, sub-§10 is enacted to
32 read:

33 10. Revocation or suspension of certifica-
34 tion. To revoke or suspend a certificate issued
35 under this chapter, pursuant to section 2806.

36 Sec. 6. 25 MRSA §2806, sub-§1, as repealed and
37 replaced by PL 1977, c. 701, §9, is repealed and the
38 following enacted in its place:

1 1. Suspension or revocation. The board of
2 trustees:

3 A. May suspend the right to enforce the criminal
4 laws of the State or to act as a corrections
5 officer of any person found in violation of
6 section 2805, subsection 1;

7 B. May suspend or revoke the certificate issued
8 pursuant to section 2803, 2805 or 2805-A of any
9 person who:

10 (1) Has been found guilty of murder or any
11 Class A, Class B or Class C crime;

12 (2) Has been found guilty of any crime in
13 this or another jurisdiction for which the
14 maximum term of imprisonment prescribed by
15 law exceeds one year; or

16 (3) Has been found guilty of any crime in
17 this or another jurisdiction for which the
18 maximum term of imprisonment prescribed by
19 law is not less than 6 months and which
20 involves moral turpitude; and

21 C. Shall investigate a complaint, on its own
22 motion or otherwise, regarding the failure of a
23 law enforcement or corrections officer to comply
24 with the requirements of section 2805, subsection
25 3, and any rules promulgated pursuant thereto.
26 The board may, upon notice, conduct an informal
27 conference with the officer. If the board finds
28 that the factual basis of the complaint is true
29 and that further action is warranted, it may take
30 the following action:

31 (1) Enter into a consent agreement with the
32 officer, which agreement may contain provi-
33 sions to insure compliance, including volun-
34 tary surrender of the certificate and terms
35 and conditions of recertification; or

36 (2) Refer the complaint to the Attorney
37 General for action in the Administrative
38 Court.

1 Finally, the board's current authority to suspend
2 from work those officers who have not received basic
3 training remains intact.

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