

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1856

6
7 S.P. 672

In Senate, January 4, 1984

8 Reference to the Committee on State Government. Ordered printed and
9 sent down for concurrence.

10 Approved for introduction by the Legislative Council pursuant to Joint
Rule 26.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Violette of Aroostook.

11 Cosponsor: Representative Gwadowsky of Fairfield.

12 STATE OF MAINE
13

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

17 AN ACT to Grandfather Certain Existing
18 Part-time Law Enforcement Officers from the
19 Requirement to be Trained by the Maine
20 Criminal Justice Academy.
21

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

24 Sec. 1. 25 MRSA §2805-A, sub-§4, as repealed and
25 replaced by PL 1983, c. 67, §4, is amended to read:

26 4. Certification required. As a condition to
27 the continued employment of any person as a reserve
28 or part-time law enforcement officer by a municipali-
29 ty or county, except a law enforcement officer with-
30 out the power to arrest and without the authority to
31 carry a weapon, the person must receive from the
32 academy, within the first year of his employment,
33 certification or a waiver of certification as a re-
34 serve or part-time law enforcement officer. The
35 board of trustees, under extenuating and emergency

1 circumstances in individual cases, may extend this
2 period for not more than 60 days. This section does
3 not apply to any person employed as a reserve or
4 part-time law enforcement officer in a municipality
5 or county on September 23, 1983.

6 Sec. 2. 30 MRSA §5607, as amended by PL 1979, c.
7 155, is further amended to read:

8 §5607. Annual meeting

9 Organized plantations shall hold their annual
10 meeting in March and choose a clerk, 3 assessors,
11 treasurer, collector of taxes, ~~constable~~, school com-
12 mittee, one or more surveyors of lumber and 2 or more
13 fence-viewers. The provisions of section 2060, sub-
14 section 5 relating to the terms of office and elec-
15 tion of assessors shall apply to the terms of office
16 and election of assessors of organized plantations.
17 When money is raised for repair of ways and bridges,
18 the assessors of such plantation shall choose one or
19 more road commissioners as selectmen of towns do.

20 Sec. 3. 30 MRSA §5609 is amended to read:

21 §5609. Town law applies to officers

22 Laws relating to calling, notifying and conduct-
23 ing town meetings and to the election, appointment,
24 qualification, duties, powers, compensation, liabili-
25 ties and penalties for official neglect and miscon-
26 duct of town officers, including, but not limited to,
27 constables, apply to plantations and their officers,
28 so far as applicable thereto, except when specially
29 otherwise provided. Voters in plantations are liable
30 to the same penalties for unlawful voting as voters
31 in towns.

32 STATEMENT OF FACT

33 This bill grandfathers existing local part-time
34 and local reserve officers from the mandatory train-
35 ing requirements passed by the First Regular Session
36 of the 111th Legislature. The training takes place
37 over a period of 33 1/3 weeks, a demanding schedule
38 for people who usually work full time at other jobs.

1 Many are terminating their part-time employment be-
2 cause they simply don't have the time to attend such
3 training, making it extremely difficult for munici-
4 palities to keep experienced people in those posi-
5 tions. Only part-time officers employed on September
6 23, 1983, the day the training requirements took ef-
7 fect, are grandfathered.

8 Sections 2 and 3 of this bill amend the law to
9 allow plantations to appoint, rather than elect, con-
10 stables. By having the power to appoint, the munici-
11 pal officials can restrict the constable's authority
12 to carry a weapon and power to make arrest, and thus
13 avoid the training requirement. It is unnecessary to
14 extensively train constables whose sole function is
15 to patrol the polls on election day.

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