

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 174

7 S.P. 78

In Senate, January 24, 1985

8 Reference to the Committee on State Government suggested and ordered
9 printed.

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

Presented by Senator Kany of Kennebec.

11 Cosponsored by Senator Diamond of Cumberland, Senator Trafton of
Androscoggin and Representative Descoteaux of Biddeford.

12 STATE OF MAINE
13

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

17 AN ACT to Require Law Enforcement Officers to
18 Demonstrate Familiarity with the Maine
19 Criminal Code and Motor Vehicle Law to
20 Qualify for Appointment as Law
21 Enforcement Officers.
22

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

25 Sec. 1. 30 MRSA §951, as repealed and replaced
26 by PL 1981, c. 394, §4, is amended by adding at the
27 end a new paragraph to read:

28 Prior to the appointment of any full-time or
29 part-time deputy sheriff, the applicant or candidate
30 shall demonstrate to the satisfaction of the sheriff
31 an understanding of the Maine Criminal Code in Title
32 17-A, and motor vehicle traffic law in Title 29,
33 chapters 11 and 22. The sheriff shall be responsible
34 for providing the applicant or candidate with any ma-
35 terials and instruction necessary to demonstrate sat-
36 isfactory knowledge of the laws as required by this

1 section. In the event that an applicant or candidate
2 has successfully completed the training requirements
3 as set forth by Title 25, sections 2805 and 2805-A or
4 acceptable equivalent training prior to appointment
5 under this section, the requirement in this section
6 may be waived.

7 Sec. 2. 30 MRSA §2365, as amended by PL 1981, c.
8 698, §143, is repealed.

9 Sec. 3. 30 MRSA §2365-A is enacted to read:

10 §2365-A. Qualification of law enforcement officials

11 1. Background investigation. Prior to appointing
12 any law enforcement official, the municipal officials
13 shall conduct an investigation into the qualifications
14 and background of any person being considered
15 for appointment. This investigation shall include
16 investigation of the applicant's abilities,
17 reputation for truthfulness and respect for the law.

18 2. Demonstration of understanding of criminal
19 code and traffic law. Prior to the appointment of
20 any law enforcement officer by the municipal officials,
21 the applicant shall demonstrate, to the satisfaction
22 of the chief of the municipal police force to which
23 the applicant has applied for a position as a
24 law enforcement officer, an understanding of the
25 Maine Criminal Code in Title 17-A and motor vehicle
26 traffic law in Title 29, chapters 11 and 22. The
27 chief of the municipal police shall be responsible
28 for providing the applicant or candidate with any
29 materials and instruction necessary to demonstrate
30 satisfactory knowledge of the laws as required by this
31 subsection. In the event that an applicant or candi-
32 date has successfully completed the training require-
33 ments as set forth by Title 25, sections 2805 and
34 2805-A, or acceptable equivalent training prior to
35 appointment under this section, the requirement in
36 this section may be waived.

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STATEMENT OF FACT

2 The purpose of this bill is to require newly ap-
3 pointed law enforcement officers to demonstrate an
4 understanding and knowledge of the Maine Criminal
5 Code and motor vehicle traffic law prior to appoint-
6 ment as a law enforcement officer. Current law re-
7 quires full-time and part-time law enforcement offi-
8 cers to receive training at the Maine Criminal Jus-
9 tice Academy within one year from appointment as a
10 law enforcement officer or show acceptable equivalent
11 training. As a result, new untrained law enforcement
12 officers with arrest powers may enforce the criminal
13 code and motor vehicle traffic laws without any
14 knowledge or understanding of these laws. This bill
15 seeks to provide the new untrained law enforcement
16 officers with the knowledge required to enforce the
17 law prior to receiving training which may occur 8 or
18 12 months after appointment. The bill allows these
19 requirements to be waived in the event that a newly
20 appointed law enforcement officer has received train-
21 ing at the Maine Criminal Justice Academy or a satis-
22 factory equivalent training.

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