

# MAINE STATE LEGISLATURE

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1 (New Draft of S.P. 78, L.D. 174)  
2 (New Title)  
3 FIRST REGULAR SESSION  
4

5 ONE HUNDRED AND TWELFTH LEGISLATURE  
6

7 Legislative Document

No. 1387

8  
9 S.P. 513

In Senate, April 24, 1985

10 Reported by Senator Kany of Kennebec from the Committee on State  
11 Government and printed under Joint Rule 2. Original bill sponsored by  
12 Senator Kany of Kennebec. Cosponsored by Senator Diamond of  
Cumberland, Senator Trafton of Androscoggin and Representative  
Descoteaux of Biddeford.

JOY J. O'BRIEN, Secretary of the Senate

13  
14 STATE OF MAINE  
15

16 IN THE YEAR OF OUR LORD  
17 NINETEEN HUNDRED AND EIGHTY-FIVE  
18

19 AN ACT to Require Newly Appointed County and  
20 Municipal Law Enforcement Officers to  
21 Complete a Basic Training Course  
22 within the First 6 Months of Their  
23 Employment.  
24

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

27 Sec. 1. 25 MRSA §2803, sub-§9, as amended by PL  
28 1983, c. 244, §4, is further amended to read:

29 9. Certification of instructors. To certify and  
30 set standards for certification of law enforcement  
31 and criminal justice instructors to be used in all  
32 academy basic and in-service training programs as re-  
33 quired by the trustees and over which the trustees  
34 have statutory control; ~~and~~

35 Sec. 2. 25 MRSA §2803, sub-§10, as enacted by PL  
36 1983, c. 244, §5, is amended to read:

1        10. Revocation or suspension of certification.  
2        To revoke or suspend a certificate issued under this  
3        chapter, pursuant to section 2806-; and

4                Sec. 3. 25 MRSA §2803, sub-§11 is enacted to  
5        read:

6                11. Provide assistance and materials. May pro-  
7        vide to municipal and county officers and municipal  
8        and county law enforcement officers any assistance or  
9        instructional materials the board deems necessary to  
10       fulfill the purposes of this chapter and Title 30,  
11       sections 951 and 2365.

12                Sec. 4. 25 MRSA §2805, sub-§1, as amended by PL  
13        1977, c. 701, §5, is further amended to read:

14                1. Basic training. As a condition to the contin-  
15       ued employment of any person as a full-time law en-  
16       forcement officer by a municipality or county, said  
17       that person shall successfully complete, within the  
18       first year 6 months of his employment, a basic train-  
19       ing course at the Maine Criminal Justice Academy. The  
20       board of trustees, under extenuating and emergency  
21       circumstances in individual cases, may extend such  
22       that period for not more than 60 90 days. In addi-  
23       tion, the board of trustees may waive in individual  
24       cases such basic training requirement when the facts  
25       indicate that an equivalent course has been success-  
26       fully completed. This section shall not apply to any  
27       person employed as a full-time local law enforcement  
28       officer in a municipality on September 23, 1971, or  
29       in a county on July 1, 1972.

30                As a condition to the continued employment of any  
31       person as a full-time corrections officer, as defined  
32       in subsection 2, paragraph C, by a municipality or  
33       county or by the State, the person shall successfully  
34       complete, within the first 12 6 months of his employ-  
35       ment as a corrections officer, a basic training  
36       course of not less than 80 hours as approved by the  
37       Maine Criminal Justice Academy. The board of trust-  
38       ees, under extenuating and emergency circumstances in  
39       individual cases, may extend the period allowed for  
40       training for not more than 60 90 days. In addition,  
41       the board of trustees may, in individual cases, waive  
42       basic training requirements when the facts indicate

1 that an equivalent course has been successfully com-  
2 pleted in another state or federal jurisdiction with-  
3 in the last 2 years. This paragraph shall apply to  
4 any person employed as a full-time corrections offi-  
5 cer as of the effective date of this paragraph, ex-  
6 cept that full-time corrections officers shall be ex-  
7 empt from the 12-months' requirement but shall suc-  
8 cessfully complete the basic training on or before  
9 January 1, 1980. Administrators of facilities where  
10 there are corrections officers who are not full-time,  
11 as defined in subsection 2, paragraph C, are encour-  
12 aged to develop an orientation program for those per-  
13 sons.

14 Sec. 5. 25 MRSA §2805-A, sub-§4, as repealed and  
15 replaced by PL 1983, c. 67, §4, is amended to read:

16 4. Certification required. As a condition to  
17 the continued employment of any person as a reserve  
18 or part-time law enforcement officer by a municipali-  
19 ty or county, except a law enforcement officer with-  
20 out the power to arrest and without the authority to  
21 carry a weapon, the person must receive from the  
22 academy, within the first ~~year~~ 6 months of his em-  
23 ployment, certification or a waiver of certification  
24 as a reserve or part-time law enforcement officer.  
25 The board of trustees, under extenuating and emergen-  
26 cy circumstances in individual cases, may extend this  
27 period for not more than ~~60~~ 90 days.

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STATEMENT OF FACT

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The purpose of this new draft is to provide newly appointed county and municipal law enforcement officers with training within the first 6 months of their employment. Currently, newly appointed law enforcement officers have the authority to arrest persons and to enforce the law without any training and without any knowledge of the Maine Criminal Code and motor vehicle law. This new draft seeks to provide protection to both the officer and the general public. The Maine Criminal Justice Academy may extend the deadline by 90 days in order to accommodate the new appointments with the academy's training schedule. The Maine Criminal Justice Academy indicates there is no current backlog of trainees, and the academy can expeditiously serve the new appointments.

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This new draft also authorizes the Maine Criminal Justice Academy to provide instructional and training information and materials to municipalities and counties.

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