

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 790

S.P. 280

In Senate, March 17, 1987

Reference to the Committee on Legal Affairs suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate
Presented by Senator KANY of Kennebec.

Cosponsored by Representative TUPPER of Orrington,
Representative KETOVER of Portland, Representative PAUL of
Sanford.

STATE OF MAINE

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

1 AN ACT to Amend the Law Regarding Training
2 for Law Enforcement Officers.
3

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

6 Sec. 1. 25 MRSA §2805, sub-§1, as amended by PL
7 1985, c. 155, §4, is further amended to read:

8 1. Basic training. As a condition for gaining
9 arrest powers and possessing the authority to carry
10 weapons for the purpose of arrest powers, a law en-
11 forcement officer shall have successfully completed a
12 basic training course by the Maine Criminal Justice
13 Academy. As a condition to the continued employment
14 of any person as a full-time law enforcement officer
15 by a municipality or county, that person shall suc-
16 cessfully complete, within the first 6 months of his

1 employment, a basic training course at by the Maine
2 Criminal Justice Academy. The board of trustees, un-
3 der extenuating and emergency circumstances in indi-
4 vidual cases, may extend ~~that period~~ these periods
5 for not more than 90 days. In addition, the board of
6 trustees may waive in individual cases such basic
7 training requirement when the facts indicate that an
8 equivalent course has been successfully completed.
9 This section shall not apply to any person employed
10 as a full-time local law enforcement officer in a mu-
11 nicipality on September 23, 1971, or in a county on
12 July 1, 1972.

13 As a condition to the continued employment of any
14 person as a full-time corrections officer, as defined
15 in subsection 2, paragraph C, by a municipality or
16 county or by the State, the person shall successfully
17 complete, within the first 6 months of his employment
18 as a corrections officer, a basic training course of
19 not less than 80 hours as approved by the Maine Crimi-
20 nal Justice Academy. The board of trustees, under
21 extenuating and emergency circumstances in individual
22 cases, may extend the period allowed for training for
23 not more than 90 days. In addition, the board of
24 trustees may, in individual cases, waive basic train-
25 ing requirements when the facts indicate that an
26 equivalent course has been successfully completed in
27 another state or federal jurisdiction within the last
28 2 years. This paragraph shall apply to any person em-
29 ployed as a full-time corrections officer as of the
30 effective date of this paragraph, except that full-
31 time corrections officers shall be exempt from the
32 12-months' requirement but shall successfully com-
33 plete the basic training on or before January 1,
34 1980. Administrators of facilities where there are
35 corrections officers who are not full-time, as de-
36 fined in subsection 2, paragraph C, are encouraged to
37 develop an orientation program for those persons.

38 Sec. 2. 25 MRSA §2805-A, sub-§4, as amended by
39 PL 1985, c. 155, §5, is further amended to read:

40 4. Certification required. As a condition to
41 the continued initial employment in this State of any
42 person as a reserve or part-time law enforcement of-
43 ficer by a municipality or county, except a law en-
44 forcement officer without the power to arrest and

1 without the authority to carry a weapon, the person
2 must ~~receive~~ have received from the academy, within
3 the first 6 months of his employment, certification
4 or a waiver of certification as a reserve or part-
5 time law enforcement officer. The board of trustees,
6 under extenuating and emergency circumstances in in-
7 dividual cases, may extend this period for the com-
8 pletion of training for not more than 90 days from
9 the date of employment.

10 Sec. 3. 25 MRSA §2805-A, sub-§6, as enacted by
11 PL 1983, c. 615, §1, is repealed and the following
12 enacted in its place:

13 6. Transition. The provisions of this section
14 that apply to the required training and certification
15 of part-time and reserve law enforcement officers
16 shall become effective on January 1, 1988.

17 Sec. 4. Effective date. This bill shall take
18 effect January 1, 1988.

19

STATEMENT OF FACT

20 Full-time law enforcement officers employed by
21 counties or municipalities are required to take a
22 course at the Maine Criminal Justice Academy within 6
23 months of their employment. Reserve and part-time
24 law enforcement officers, except those without au-
25 thority to arrest or carry a gun, must be certified,
26 within 6 months of initial employment, by the board
27 of trustees of the academy based on completion of an
28 approved training program.

29 This bill requires that current educational re-
30 quirements be completed before all county and municip-
31 al law enforcement officers are authorized to make
32 arrests or to carry a gun. This provision may be
33 waived for 90 days based on special circumstances or
34 waived completely based on completion of an equiva-
35 lent course.

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