

MAINE STATE LEGISLATURE

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(NEW DRAFT OF H.P. 1556, L.D. 2120)
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2594

H.P. 1899 House of Representatives, March 29, 1988
Reported by Representative PERRY from the Committee on
Legal Affairs and printed under Joint Rule 2.

EDWIN H. PERT, Clerk
Original bill submitted by the Joint Standing Committee
on Legal Affairs pursuant to Joint Rule 19.

STATE OF MAINE

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

AN ACT Concerning Law Enforcement Education
and Training and Funding for Training.

1
2
3

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

6

PART A

7
8

Sec. 1. 15 MRSA §3003, sub-§17, as enacted by
PL 1977, c. 520, §1, is amended to read:

9

17. Law enforcement officer. "Law enforcement

1 officer" means any person who by virtue of his
2 public employment is vested by law with a duty to
3 maintain public order, to prosecute offenders,
4 to serve criminal process, perform probation
5 functions, perform intensive supervision functions or
6 make arrests for crimes or perform probation
7 functions, whether that duty extends to all crimes or
8 is limited to specific crimes.

9 **Sec. 2.** 17-A MRSA §2, sub-§17, as enacted by PL
10 1975, c. 499, §1, is amended to read:

11 17. "Law enforcement officer" means any person
12 who by virtue of his public employment is vested by
13 law with a duty to maintain public order, to
14 prosecute offenders, serve criminal process, perform
15 probation functions, perform intensive supervision
16 functions or to make arrests for crimes, whether
17 that duty extends to all crimes or is limited to
18 specific crimes.

19 **Sec. 3.** 25 MRSA §2801, last ¶, as amended by PL
20 1977, c. 701, §1, is further amended to read:

21 The purpose of the Maine Criminal Justice Academy
22 shall be to provide a central training facility for
23 all law enforcement and corrections personnel of in
24 the State and also for criminal justice personnel.
25 The academy shall serve to promote the highest levels
26 of professional law enforcement performance and to
27 facilitate coordination and cooperation between
28 various law enforcement and criminal justice agencies.

29 **Sec. 4.** 25 MRSA §2801-A is enacted to read:

30 §2801-A. Definitions

31 As used in this chapter, unless the context
32 indicates otherwise, the following terms have the
33 following meanings.

34 1. Board. "Board" means the Board of Trustees of
35 the Maine Criminal Justice Academy.

36 2. Corrections officer and law enforcement

1 officer. The Board of Trustees of the Maine Criminal
2 Justice Academy shall be responsible for the
3 application of the terms in this subsection.

4 A. "Corrections officer" means:

5 (1) For state agencies, the following class
6 titles and their successor titles:

7 (a) Training School Counselor I and II;

8 (b) Training School Counselor
9 Supervisor;

10 (c) Corrections Officer I, II and III;

11 (d) Guard;

12 (e) Guard Sergeant;

13 (f) Guard Lieutenant; and

14 (g) Guard Captain; and

15 (2) For county, municipal and other agencies
16 subject to this chapter, the Maine Criminal
17 Justice Academy shall define the term
18 "corrections officer" by rule.

19 B. "Full-time corrections officer" means a person
20 who is employed as a corrections officer with the
21 reasonable expectation of earning at least \$6,000
22 in any one calendar or fiscal year for performing
23 corrections officer duties.

24 C. "Full-time law enforcement officer" means a
25 person who is employed as a law enforcement
26 officer with the reasonable expectation of
27 performing law enforcement duties for at least
28 1,200 hours while on duty in any one calendar or
29 fiscal year. "Full-time law enforcement officer"
30 does not include any person employed by a county
31 and whose full-time duties are those of
32 corrections officers.

1 D. "Law enforcement officer" means any person who
2 by virtue of public employment is vested by law
3 with a duty to maintain public order, prosecute
4 offenders, serve criminal process, perform
5 probation functions, perform intensive supervision
6 functions or make arrests for crimes, whether that
7 duty extends to all crimes or is limited to
8 specific crimes. As used in this chapter, the
9 term does not include federal law enforcement
10 officers or attorneys prosecuting for the State.

11 Sec. 5. 25 MRSa §2801-B is enacted to read:

12 §2801-B. Application of chapter

13 1. Exemption. The training standards and
14 requirements of this chapter do not apply to the
15 persons defined by this chapter as law enforcement
16 officers who are:

17 A. Employees of the Department of Corrections,
18 Division of Probation and Parole;

19 B. Agents or representatives of the Department of
20 Conservation, Bureau of Parks and Recreation,
21 whose law enforcement powers are limited to those
22 specified in Title 12, section 602, subsection 5;

23 C. Agents or representatives of the Department of
24 Conservation, Bureau of Forestry, whose law
25 enforcement powers are limited to those specified
26 by Title 12, section 8901, subsection 3; and

27 D. Security officers employed by the Department
28 of Public Safety whose law enforcement powers are
29 limited to those specified in section 2908.

30 2. Education and training required. The
31 directors of the state agencies listed in subsection 1
32 shall provide adequate education and training for all
33 law enforcement officers within their jurisdiction and

1 shall coordinate with the board to provide the
2 education and training to the extent possible. The
3 board shall advise the directors concerning
4 appropriate and adequate training.

5 Sec. 6. Effective date. That section of this
6 part which enacts the Maine Revised Statutes, Title
7 25, section 2801-B, shall take effect on July 1, 1989.

8 Sec. 7. 25 MRS §2803, as amended by PL 1985,
9 c. 742, §2, is repealed.

10 Sec. 8. 25 MRS §2803-A is enacted to read:

11 §2803-A. Powers and duties of the board of trustees

12 The board has the following powers and duties:

13 1. Training and certification of all law
14 enforcement officers in the State. In accordance with
15 the requirements of this chapter, to establish
16 training and certification standards for all law
17 enforcement officers. Certification shall be based on
18 the officer's demonstration of having acquired
19 specific knowledge and skills which can be directly
20 tied to job performance;

21 2. Admission standards and certification
22 requirements; curriculum. In accordance with the
23 requirements of this chapter, to establish standards
24 for admission to the board-approved courses, taking
25 into account state hiring standards and procedures
26 applicable to all state departments; set requirements
27 for board-approved courses; prescribe curriculum; and
28 certify both graduates of the board-approved courses
29 and persons for whom the board has waived the training
30 requirements of this chapter. The board may not set
31 standards for admission to the board-approved courses
32 until July 1, 1990, for persons required to be trained
33 under Title 30, section 6210, subsection 4, which
34 standards are higher than those in force on September
35 23, 1983;

36 3. Certification of police chiefs. To certify
37 and set standards for certification of police chiefs;

1 4. Training and certification of sheriffs. To
2 establish training programs for sheriffs within the
3 curriculum, set requirements for graduation of
4 sheriffs from the academy and certify sheriffs who
5 graduate from the academy;

6 5. Training and certification of corrections
7 personnel. In accordance with the requirements of
8 this chapter, to approve training programs for
9 corrections officers, including prescription of
10 curriculum and setting of standards for graduation
11 from those approved programs and certification of
12 persons graduating from the basic training course
13 prescribed in this chapter;

14 6. Training and certification of State Police
15 enlisted personnel. With the approval of the Chief of
16 the State Police, to establish suitable training
17 programs for enlisted personnel of the State Police
18 and set requirements for graduation of that personnel
19 from the academy. The board shall certify State
20 Police enlisted personnel who graduate from the
21 academy;

22 7. Training of harbor masters. To establish
23 suitable training programs for harbor masters
24 authorized to make arrests under Title 38, chapter 1,
25 subchapter I, relevant to their duties as harbor
26 masters;

27 8. Training and certification in court
28 procedures. To establish certification standards and
29 a program to certify law enforcement officers as being
30 familiar with current court procedures. This program
31 shall include:

32 A. Sufficient instruction in the basic training
33 course approved by the board under this chapter to
34 satisfy certification standards upon successful
35 completion of the course;

36 B. A method by which law enforcement officers
37 whose basic training course did not contain the
38 instruction required by paragraph A may satisfy
39 the certification standards; and

- 1 C. A requirement that in-service training
2 programs required under this chapter include
3 instruction on current court procedures;
- 4 9. Other training programs. To establish, within
5 the limits of funds available and with the approval of
6 the commissioner, additional training programs
7 considered to be beneficial to law enforcement
8 officers, corrections officers and criminal justice
9 personnel;
- 10 10. Establish fees. To establish, with the
11 approval of the commissioner, reasonable fees for
12 attendance in order to defray at least part of the
13 costs of operation of the academy;
- 14 11. Formulate a budget. To formulate a budget
15 for the academy, which shall be presented to the
16 commissioner for approval and inclusion in the budget
17 of the Department of Public Safety;
- 18 12. Accept funds and grants. With the approval
19 of the commissioner, to accept such federal funds or
20 grants as may be available to carry out the purposes
21 of the academy;
- 22 13. Acquire facilities. With the approval of the
23 commissioner, to lease, rent or acquire adequate
24 facilities to conduct the academy's training programs;
- 25 14. Certification of instructors. To certify and
26 set standards for certification of law enforcement and
27 criminal justice instructors to be used in all academy
28 preservice, basic and in-service training programs as
29 required by the board of trustees and over which the
30 board has statutory control;
- 31 15. Revocation or suspension of certification.
32 To revoke or suspend a certificate issued under
33 section 2806; and
- 34 16. Provide assistance and materials. To provide
35 to municipal and county officers and municipal and
36 county law enforcement officers any assistance or

1 instructional materials the board deems necessary to
2 fulfill the purposes of this chapter and Title 30,
3 sections 951 and 2365.

4 Sec. 9. 25 MRSA §§2804-B to 2804-F are enacted
5 to read:

6 §2804-B. Preservice law enforcement training

7 1. Required. A person shall not serve as a law
8 enforcement officer with the power to make arrests or
9 the authority to carry a firearm in the course of duty
10 until certified by the board as satisfying all
11 preservice training requirements.

12 2. Preservice training standards. The board
13 shall establish standards for preservice training
14 certification which are equivalent to the 100-hour
15 reserve officer training course as of November 1,
16 1987. In establishing the standards, the board shall
17 consider the use of apprenticeship with a certified,
18 experienced officer, to be followed by an examination
19 given by the board, as an alternative to part or all
20 of the preservice training course leading to
21 preservice certification. In establishing the
22 standards, the board shall cooperate with the state
23 and local departments and agencies to which the
24 preservice standards apply to ensure that the
25 standards are appropriate.

26 3. Certification. The board shall certify each
27 person who meets the preservice training standards as
28 eligible to serve as a law enforcement officer with
29 the power to make arrests or the authority to carry a
30 firearm in the course of duty, subject to additional
31 certification as required by this chapter.

32 4. Course. The board shall provide a training
33 course, the successful completion of which must meet
34 the preservice training standards. In developing and
35 delivering the training course, the board shall
36 consider the use of telecommunications technology.
37 The board may work with post-secondary and other
38 institutions within the State to deliver the
39 preservice training course throughout the State as

1 often as reasonable demand requires.

2 5. Agency sponsorship. The board shall evaluate
3 the use of law enforcement agency sponsorship and
4 screening of preservice training applicants and
5 students and the availability of preservice training
6 before employment.

7 6. Completion of basic law enforcement training
8 sufficient. The board shall certify law enforcement
9 officers who successfully complete basic law
10 enforcement training under section 2804-C before being
11 empowered to make arrests or given the authority to
12 carry a firearm in the course of duty as having
13 satisfied the preservice training standards.

14 7. Reserve and other part-time law enforcement
15 officers. The board shall certify law enforcement
16 officers who successfully complete preservice law
17 enforcement training as reserve or part-time law
18 enforcement officers. The board shall maintain a
19 roster of all currently certified reserve or part-time
20 law enforcement officers. The roster shall be
21 available for inspection by the public at the academy
22 during regular working hours.

23 8. Application to currently certified law
24 enforcement officers. This section does not apply to
25 any law enforcement officer certified as meeting the
26 law enforcement training requirements as of July 1,
27 1989.

28 §2804-C. Basic law enforcement training; core
29 curriculum requirements

30 1. Required. As a condition to the continued
31 employment of any person as a full-time law
32 enforcement officer by a municipality, a county, the
33 State or other nonfederal employer, that person must
34 successfully complete, within the first 12 months of
35 employment, a basic training course approved by the
36 board. The board, under extenuating and emergency
37 circumstances in individual cases, may extend that
38 period for not more than 90 days. In addition, the
39 board may waive in individual cases the basic training

1 requirement when the facts indicate that an equivalent
2 course has been successfully completed. This section
3 does not apply to any person employed as a full-time
4 law enforcement officer by a municipality on September
5 23, 1971, or by a county on July 1, 1972.

6 2. Core curriculum requirements. The board shall
7 establish core curriculum requirements which must be
8 satisfied by each law enforcement officer within 12
9 months of assuming law enforcement duties which
10 include the power to make arrests or the authority to
11 carry a firearm in the course of duty. The board
12 shall base the core curriculum requirements on the
13 necessary knowledge, training and skills common to all
14 law enforcement officers in this State. In
15 establishing the requirements, the board shall
16 cooperate with the state and local departments and
17 agencies to which the preservice requirements apply to
18 ensure that the standards are appropriate.

19 3. Certification. The board shall certify each
20 law enforcement officer who meets the core curriculum
21 training requirements.

22 4. Courses. The board shall provide a training
23 course, the successful completion of which meets core
24 curriculum requirements. The board shall provide a
25 basic training course designed primarily for municipal
26 and county law enforcement officers.

27 5. Application to currently certified law
28 enforcement officers. This section does not apply to
29 any law enforcement officer certified as meeting the
30 law enforcement training requirements as of July 1,
31 1989.

32 §2804-D. Basic corrections training

33 1. Required. As a condition to the continued
34 employment of any person as a full-time corrections
35 officer by a municipality, a county, the State or
36 other nonfederal employer, that person must
37 successfully complete, within the first 6 months of
38 employment, a basic training course of not less than

1 80 hours as approved by the board. The board, in
2 individual cases, may waive basic training
3 requirements when the facts indicate that an
4 equivalent course has been successfully completed in
5 another state or federal jurisdiction within the last
6 2 years. This section shall apply to any person
7 employed as a full-time corrections officer as of July
8 6, 1978, except that full-time corrections officers
9 shall be exempt from the 6-month requirement, but
10 shall have completed successfully the basic training
11 on or before January 1, 1980. Administrators of
12 facilities where there are corrections officers who
13 are not full time are encouraged to develop an
14 orientation program for those persons.

15 §2804-E. In-service law enforcement training

16 1. Required. As a condition to the continued
17 employment of any person as a law enforcement officer
18 with the power to make arrests or the authority to
19 carry a firearm in the course of duty by a
20 municipality, a county, the State or other nonfederal
21 employer, that person must successfully complete a
22 minimum number of hours of in-service training as
23 prescribed by the board.

24 2. Role of board. The board shall establish
25 in-service training requirements, coordinate delivery
26 of in-service training with post-secondary and other
27 institutions and law enforcement agencies and
28 administer in-service training programs. The
29 in-service training requirements shall include
30 information on new laws and court decisions. The
31 board shall consider and encourage the use of
32 telecommunications technology in the development and
33 delivery of in-service training programs. In
34 establishing the requirements, the board shall
35 cooperate with the state and local departments and
36 agencies to which the in-service requirements apply to
37 ensure that the standards are appropriate.

38 3. Additional certificates. The board may offer
39 additional certificates to be awarded for completion
40 of additional education, experience and certified
41 board-approved training.

1 §2804-F. In-service corrections training

2 1. Required. As a condition to the continued
3 employment of any person as a full-time corrections
4 officer by a municipality, a county, the State or
5 other nonfederal employer, that person shall
6 successfully complete a minimum number of hours of
7 in-service training as prescribed by the board.

8 2. Role of board. The board shall establish
9 in-service training requirements, including the
10 content and time periods in which in-service training
11 shall take place, and conduct in-service training
12 programs. The in-service training requirements shall
13 include information on new laws and court decisions.

14 3. Provision of in-service training. In-service
15 training programs which meet the requirements
16 established under subsection 2 may be provided by the
17 Maine Criminal Justice Academy or the agency employing
18 the corrections officer.

19 Sec. 10. Effective date. That section of this
20 part which enacts the Maine Revised Statutes, Title
21 25, sections 2804-B to 2804-F, shall take effect on
22 July 1, 1989.

23 Sec. 11. 25 MRSA §2805, as amended by PL 1985,
24 c. 155, §4, is repealed.

25 Sec. 12. Effective date. That section of this
26 part which repeals the Maine Revised Statutes, Title
27 25, section 2805, shall take effect on July 1, 1989.

28 Sec. 13. 25 MRSA §2805-A, as amended by PL
29 1985, c. 155, §5, is repealed

30 Sec. 14. Effective date. That section of this
31 part which repeals the Maine Revised Statutes, Title
32 25, section 2805-A, shall take effect on July 1, 1989.

33 Sec. 15. 25 MRSA §2805-B is enacted to read:

34 §2805-B. Employment and training records

1 1. Annual report and records. Within 30 days of
2 the close of each calendar year, the highest elected
3 official of each political subdivision and the head of
4 each state department and agency, employing law
5 enforcement or corrections officers subject to this
6 chapter, shall provide the board with a list of the
7 names and dates of employment of all law enforcement
8 and corrections officers covered by this chapter. The
9 official or department or agency head shall maintain
10 records regarding the basic and in-service training of
11 law enforcement and corrections officers as provided
12 in sections 2804-C to 2804-F.

13 2. New officers. Whenever a law enforcement
14 officer or a full-time corrections officer is newly
15 appointed, the official or department or agency head
16 shall send notice of appointment within 30 days to the
17 board on a form provided for that purpose. The form
18 shall be deemed an application for admission to the
19 academy for any officer who is required to be trained
20 under this chapter.

21 Sec. 16. Effective date. That section of this
22 part which enacts the Maine Revised Statutes, Title
23 25, section 2805-B, shall take effect on July 1, 1989.

24 Sec. 17. 25 MRS §2806, sub-§1, ¶B, as repealed
25 and replaced by PL 1983, c. 244, §6, is amended to
26 read:

27 B. May suspend or revoke the certificate issued
28 pursuant to section ~~2803~~ 2803-A, 2805 or 2805-A
29 of any person who:

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

32 (2) Has been found guilty of any crime in
33 this or another jurisdiction for which the
34 maximum term of imprisonment prescribed by
35 law exceeds one year; or

36 (3) Has been found guilty of any crime in
37 this or another jurisdiction for which the

1 maximum term of imprisonment prescribed by
2 law is not less than 6 months and which
3 involves moral turpitude; and

4 Sec. 18. 25 MRSA §2806, sub-§1, as repealed and
5 replaced by PL 1983, c. 244, §6 is amended to read:

6 1. Suspension or revocation. The board of
7 trustees:

8 A. May suspend the right to enforce the criminal
9 laws of the State or to act as a corrections
10 officer of any person found in violation of
11 section 2805, subsection 1 2804-B, 2804-C or
12 2804-D;

13 B. May suspend or revoke the certificate issued
14 pursuant to section 2803, 2805 or 2805-A
15 2803-A, 2804-B, 2804-C or 2804-D of any person who:

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

18 (2) Has been found guilty of any crime in
19 this or another jurisdiction for which the
20 maximum term of imprisonment prescribed by
21 law exceeds one year; or

22 (3) Has been found guilty of any crime in
23 this or another jurisdiction for which the
24 maximum term of imprisonment prescribed by
25 law is not less than 6 months and which
26 involves moral turpitude; and

27 C. Shall investigate a complaint, on its own
28 motion or otherwise, regarding the failure of a
29 law enforcement or corrections officer to comply
30 with the requirements of section 2805,
31 subsection 3 2804-E or 2804-F, and any rules
32 promulgated pursuant thereto adopted under those
33 sections. The board may, upon notice, conduct an
34 informal conference with the officer. If the
35 board finds that the factual basis of the
36 complaint is true and that further action is
37 warranted, it may take the following action:

1 (1) Enter into a consent agreement with the
2 officer, which agreement may contain
3 provisions to insure ensure compliance,
4 including voluntary surrender of the
5 certificate and terms and conditions of
6 recertification; or

7 (2) Refer the complaint to the Attorney
8 General for action in the Administrative
9 Court.

10 Sec. 19. Effective date. Section 18 of this
11 part which amends the Maine Revised Statutes, Title
12 2806, sub-§1, shall take effect on July 1, 1989.

13 Sec. 20. 25 MRSA §2806, sub-§4-A, as enacted by
14 PL 1979, c. 261, §7 is amended to read:

15 4-A. Injunction. In the event of any continued
16 violation of section 2805 2804-B, 2804-C, 2804-D,
17 2804-E or 2804-F subsequent to a final decision by the
18 board of trustees or judicial review by the Superior
19 Court, the Attorney General may institute injunction
20 proceedings to enjoin that continued violation.

21 Sec. 21. Effective date. That section of this
22 part which amends the Maine Revised Statutes, Title
23 25, section 2806, subsection 4-A, shall take effect on
24 July 1, 1989.

25 Sec. 22. 25 MRSA §2808, sub-§1, ¶B, as enacted
26 by PL 1985, c. 506, Pt. A, §50, is amended to read:

27 B. "Training" means the initial preservice and
28 basic training provided to part-time and full-time
29 law enforcement officers by the Maine Criminal
30 Justice Academy, as described in section 2805,
31 subsection 17 and section 2805-A sections 2804-B
32 and 2804-C.

33 Sec. 23. Effective date. That section of this
34 part which amends the Maine Revised Statutes, Title
35 25, section 2808, subsection 1, paragraph B, shall

1 take effect on July 1, 1989.

2 Sec. 24. 25 MRSA §2808, sub-§1, ¶C, as enacted
3 by PL 1985, c. 506, Pt. A, §50, is amended to read:

4 C. "Training costs" means the full cost of the
5 salary paid to the officer while in training, the
6 full cost of the tuition charged by the Maine
7 Criminal Justice Academy, plus any overtime paid
8 to others to provide police protection during the
9 officer's absence, less the amount the
10 governmental entity is reimbursed under Title 4,
11 section 1057, subsections 4 and 5. In determining
12 training costs, charges for overtime, when they
13 are applicable, shall always be calculated as 25%
14 of the salary paid to the officer while in
15 training.

16 Sec. 25. Effective date. That section of this
17 part which amends the Maine Revised Statutes, Title
18 25, section 2802, subsection 1, paragraph C, shall
19 take effect on July 1, 1989.

20 Sec. 26. 25 MRSA §2808, sub-§2, as enacted by
21 PL 1985, c. 506, Pt. A, §50, is amended to read:

22 2. Reimbursement for training costs. Whenever a
23 law enforcement officer, trained at the Maine Criminal
24 Justice Academy on or after September 1, 1983, but
25 before September 1, 1988, while on the payroll of a
26 particular governmental entity, is subsequently hired
27 by another governmental entity within 3 years of
28 his graduation from the academy, the governmental
29 entity shall reimburse the first governmental entity
30 according to the following formula.

31
32 A. If the officer is hired by the other
33 governmental entity during the first year after
34 his graduation, that governmental entity shall
35 reimburse the first governmental entity the full
cost of the training costs.

36
37 B. If the officer is hired by the other
38 governmental entity during the 2nd year after
his graduation, that governmental entity shall

1 reimburse the first governmental entity 2/3 of the
2 training costs.

3 C. If the officer is hired by the other
4 governmental entity during the 3rd year after
5 his graduation, that governmental entity shall
6 reimburse the first governmental entity 1/3 of the
7 training costs.

8 D. If the officer graduated more than 3 years
9 before subsequently being hired by the other
10 governmental entity, the governmental entity shall
11 not be obligated to reimburse the first
12 governmental entity.

13 If the officer is subsequently hired by additional
14 governmental entities within 3 years of his
15 graduation from the academy, each of those
16 governmental entities shall be liable to the
17 governmental employer immediately preceding it for the
18 training costs paid by that governmental entity under
19 this subsection. The extent of financial liability
20 shall be determined according to the formula
21 established by this subsection.

22 Reimbursement shall not be required when the trained
23 officer hired by a governmental entity had his
24 employment with a prior governmental entity terminated
25 at the discretion of the governmental entity.

26 Sec. 27. 25 MRSA §2808, sub-§3 is enacted to
27 read:

28 3. Reimbursement for training costs after
29 September 1, 1988. Whenever a law enforcement
30 officer, trained at the Maine Criminal Justice Academy
31 on or after September 1, 1988, while on the payroll of
32 a particular governmental entity, is subsequently
33 hired by another governmental entity within 5 years of
34 graduation from the academy, the governmental entity
35 shall reimburse the first governmental entity
36 according to the following formula.

37 A. If the officer is hired by the other
38 governmental entity during the first year after

1 graduation, that governmental entity shall
2 reimburse the first governmental entity the full
3 cost of the training costs.

4 B. If the officer is hired by the other
5 governmental entity during the 2nd year after
6 graduation, that governmental entity shall
7 reimburse the first governmental entity 80% of the
8 training costs.

9 C. If the officer is hired by the other
10 governmental entity during the 3rd year after
11 graduation, that governmental entity shall
12 reimburse the first governmental entity 60% of the
13 training costs.

14 D. If the officer is hired by the other
15 governmental entity during the 4th year after
16 graduation, that governmental entity shall
17 reimburse the first governmental entity 40% of the
18 training costs.

19 E. If the officer is hired by the other
20 governmental entity during the 5th year after
21 graduation, that governmental entity shall
22 reimburse the first governmental entity 20% of the
23 training costs.

24 F. If the officer graduated more than 5 years
25 before subsequently being hired by the other
26 governmental entity, the governmental entity shall
27 not be obligated to reimburse the first
28 governmental entity.

29 If the officer is subsequently hired by additional
30 governmental entities within 5 years of graduation
31 from the academy, each of those governmental entities
32 shall be liable to the governmental employer
33 immediately preceding it for the training costs paid
34 by that governmental entity under this subsection.
35 The extent of financial liability shall be determined
36 according to the formula established by this
37 subsection.

38 Reimbursement shall not be required when the trained

1 officer hired by a governmental entity has had his
2 employment with a prior governmental entity terminated
3 at the discretion of the governmental entity.

4 Sec. 28. 25 MRSA §2809 is enacted to read:

5 §2809. Report to Legislature

6 Beginning January 1, 1989, the board shall report
7 annually to the joint standing committee of the
8 Legislature having jurisdiction over legal affairs on
9 the implementation and effectiveness of this chapter.
10 The purpose of the report is to provide the
11 Legislature annual information on the law governing
12 law enforcement training in order to ensure that
13 appropriate and timely training is accomplished. The
14 report must include the following:

15 1. Availability of training. An evaluation of
16 the availability of preservice, basic and in-service
17 training throughout the State. The evaluation must
18 cover whether any municipalities operated without
19 adequate law enforcement officers with the power to
20 make arrests because training was not available in a
21 timely manner;

22 2. In-service training requirements. An
23 explanation of in-service training requirements for
24 law enforcement and corrections officers, including
25 any changes in the requirements and a discussion of
26 the adequacy of the requirements;

27 3. In-service training courses. An evaluation of
28 available board-approved in-service training courses
29 for law enforcement and corrections officers and the
30 participation level in each;

31 4. Training for exempt law enforcement officers.
32 An explanation and evaluation of the training provided
33 by the state agencies for their law enforcement
34 officers who are exempt from the requirements of this
35 chapter under section 2801-B; and

36 5. Other information. Any other information the
37 Legislature may request or the board determines is

1 appropriate.

2 Sec. 29. 34-A MRSA §5404, sub-§2, as amended by
3 PL 1987, c. 315, §2, is further amended to read:

4 2. Arrest. Arrest, after completing the entry
5 level and orientation training course prescribed by
6 the director, in the following circumstances:

7 A. Arrest and return probation and parole
8 violators upon request of the chief administrative
9 officer of a correctional facility;

10 B. Arrest and return to a correctional facility
11 persons released from the correctional facility
12 under section 3035; and

13 C. If the officer has probable cause to believe
14 that a person under the supervision of the
15 Division of Probation and Parole has violated a
16 condition of his probation or parole, he may
17 arrest that person.

18 **PART B**

19 Sec. 1. 4 MRSA §1057, as enacted by PL 1987, c.
20 339, §3, is amended to read:

21 §1057. Criminal Justice Operations Surcharge Fund

22 1. Fund established. There is hereby
23 established a fund to be known as the ~~Jail~~ Criminal
24 Justice Operations Surcharge Fund. This fund shall be
25 maintained by the Treasurer of State for the ~~sole~~
26 purpose purposes of reimbursing counties for costs
27 associated with operations of the jail system,
28 reimbursing municipalities and counties for costs
29 associated with law enforcement training and providing
30 funds for the Maine Criminal Justice Academy to
31 provide law enforcement training.

32 2. Surcharge imposed. A surcharge of 10% shall
33 be added to every fine, forfeiture or penalty imposed
34 by any court in this State. All funds collected as a
35 result of this surcharge shall be deposited monthly in

1 the ~~Jail~~ Criminal Justice Operations Surcharge Fund.

2 3. Reimbursement to counties. Monthly, the
3 Treasurer of State shall make payments from this fund
4 to each county in direct proportion to the amount of
5 revenue obtained from all courts within each county,
6 provided a county may not receive an amount greater
7 than the prior year's expenditures on its jail. The
8 amount of total payments made to counties shall equal
9 2% of the total fines, forfeitures and penalties,
10 including this surcharge, received by the Treasurer of
11 State. The balance remaining in the ~~Jail Operations~~
12 Surcharge Fund at the end of each month shall accrue
13 to-the-General-Fund.

14 4. Reimbursement to municipalities and counties
15 for law enforcement training. Monthly, the Treasurer
16 of State shall make payments from this fund to each
17 municipality and each county which demonstrates the
18 expenditure of funds in furtherance of board-approved
19 law enforcement training required under Title 25,
20 chapter 341. The amount of the payment and
21 reimbursable expenses will be determined by the Board
22 of Trustees of the Maine Criminal Justice Academy
23 pursuant to standards set forth in its rules.

24 5. Balance to the Maine Criminal Justice Training
25 Fund. The balance remaining in the Criminal Justice
26 Operations Surcharge Fund at the end of each month
27 shall be deposited in the Maine Criminal Justice
28 Training Fund established by this subsection. These
29 funds shall only be used by the Maine Criminal Justice
30 Academy for training-related operational costs, as
31 well as by state agencies for the training expenses
32 they incur as a result of Title 25, chapter 341.
33 These funds shall not be expended unless allocated by
34 the Legislature.

35 Sec. 2. 4 MRSA §1156, last ¶, as amended by PL
36 1987, c. 339, §4, is further amended to read:

37 The Administrative Court Judge shall maintain a
38 record of all fines and surcharges received by the
39 court and shall pay the fines into the General Fund of
40 the State Treasury and the surcharges into the ~~Jail~~
41 Criminal Justice Operations Surcharge Fund on or
42 before the 15th day of each month.

1 and the Maine Criminal Justice Academy. Part B of the
2 new draft amends the law concerning the fund created
3 by the 10% surcharge on all fines, penalties and
4 forfeitures.

5 The new training requirements are delayed until
6 July 1, 1989, to allow the Board of Trustees of the
7 Maine Criminal Justice Academy to establish the
8 specific standards and develop the courses and
9 delivery systems required by this new draft.

10 Part A of the bill does the following.

11 Sections 1 and 2 of the new draft revise the
12 definition of "law enforcement officer" in the Maine
13 Revised Statutes, Titles 15 and 17-A, to make the
14 definitions parallel with each other and the
15 definition used with regard to law enforcement
16 training.

17 Section 3 clarifies that the purpose of the Maine
18 Criminal Justice Academy is to provide training for
19 all law enforcement and corrections officers in the
20 State, whether they are municipal, county or state
21 personnel.

22 Section 4 creates a definition section, using the
23 current definition of "corrections officer" and
24 revising slightly the definitions of law enforcement
25 officer and full-time employment for law enforcement
26 officers. Specifically, the definition of "law
27 enforcement officer" does not include, for the
28 purposes of the chapter on training and certification,
29 federal law enforcement officers and attorneys who
30 prosecute for the State, such as district attorneys.
31 The definition of "full-time law enforcement officer"
32 is revised to be based on the expected number of hours
33 of work as opposed to the expected pay.

34 Section 5 exempts 4 state agencies from the
35 training requirements of this chapter. Those agencies
36 are the Division of Probation and Parole, the Bureau
37 of Parks and Recreation, the Bureau of Forestry and
38 the Bureau of Capitol Security. Although some of the
39 employees of these agencies have at least limited
40 arrest powers, they will not be required to meet the
41 general training requirements. They must, however,

1 receive appropriate training through their department,
2 which shall work with the Criminal Justice Academy
3 Trustees in developing the appropriate training. This
4 section does not go into effect until July 1, 1989.

5 Sections 7 and 8 of the new draft repeal and
6 replace the powers and duties of the Trustees of the
7 Criminal Justice Academy. This section clarifies and
8 expands the authority of the board to cover all law
9 enforcement officers, not just municipal and county.
10 It also requires the board to set certification
11 standards based on the officer demonstrating the
12 acquisition of specific knowledge and skills which can
13 be directly tied to job performance. The rest of the
14 powers and duties are included in current law.
15 Specific revisions include: Changing references from
16 "academy courses" to "board-approved courses";
17 including consideration of general state hiring
18 standards and procedures in the establishment of
19 Academy admission standards; and required development
20 of training for harbor masters who have arrest powers.

21 Section 9 of the new draft requires preservice
22 training certification before any person is given the
23 power to make arrests or the authority to carry a
24 firearm in the course of duty. The new draft leaves
25 the specific requirements to the board of trustees,
26 but the requirements should be roughly equivalent to
27 the current 100-hour course for reserve officers. The
28 board must consider the use of apprenticeship with an
29 experienced officer as an alternative to completing
30 all or part of the preservice training. The board
31 will be responsible for administering an examination
32 at the end of the apprenticeship period to ensure that
33 the apprentice officer has obtained the knowledge and
34 skills necessary for preservice certification.
35 Preservice certification is sufficient training for
36 reserve and part-time officers, not including
37 in-service training requirements. Officers who are
38 employed by an agency which requires completion of
39 full basic training before assuming law enforcement
40 duties shall be certified as meeting the preservice
41 requirements, without completing the preservice
42 course, once they complete the basic training course
43 and are certified as meeting the core curriculum

1 requirements. The board of trustees shall also
2 evaluate the use of agency sponsorship of nonemployees
3 to attend preservice training. This will allow
4 persons who are interested in pursuing careers as law
5 enforcement officers to obtain the preliminary
6 training at their own expense, therefore making
7 themselves more employable and giving municipalities
8 an opportunity to defray some expenses.

9 The new draft clarifies that agency input is
10 specifically anticipated in the establishment of the
11 standards. It also clarifies that the Legislature
12 encourages the use of telecommunications technology,
13 such as video taping and satellite broadcast, to
14 develop the courses and delivery of courses for
15 preservice training.

16 Section 9 also clarifies that law enforcement
17 officers who are already working as of July 1, 1989,
18 do not have to meet the preservice training
19 requirements.

20 Section 9 also creates a section on basic law
21 enforcement training, although the only major change
22 from current law is to require compliance with core
23 curriculum requirements of all full-time law
24 enforcement officers, not merely municipal and county
25 officers.

26 Section 9 also creates a separate section on basic
27 corrections training which consists of the current law.

28 Section 9 also creates separate sections for
29 in-service law enforcement training and in-service
30 corrections training. The section on in-service
31 corrections training basically incorporates current
32 law. The section on in-service law enforcement
33 training requires the board of trustees to set minimum
34 standards for in-service training beginning July 1,
35 1989, for all law enforcement officers. The law
36 includes coordination with the post-secondary and
37 other institutions around the State to actually
38 deliver the in-service training programs, as opposed
39 to centralized classes at the academy. The in-service
40 training programs must include updating the officers

1 on new laws and court decisions which are relevant,
2 and the use of telecommunications technology is
3 encouraged. Again, the agencies affected by the
4 training standards will be given the opportunity to
5 provide input into the development process. Section 9
6 is not effective until July 1, 1989.

7 Sections 11 and 13 repeal the 2 sections of
8 current law which are covered by section 9. Sections
9 11 and 13 are not effective until July 1, 1989.

10 Section 15 reenacts current language covering
11 employment and training records. It adds records
12 pertaining to law enforcement officers to the current
13 requirements for corrections officers. Because the
14 sections it is reenacting are not repealed until July
15 1, 1989, section 15 is not effective until July 1,
16 1989.

17 Sections 17, 18, 20 and 22 correct references
18 involving the repealed and new sections.

19 Sections 24 and 26 of the new draft clarify that a
20 governmental entity will not be reimbursed twice for
21 the same training expenses should another governmental
22 entity employ a law enforcement officer trained by the
23 first governmental entity. This would otherwise be
24 possible under the current reimbursement section and
25 the new provision of training costs from the Surcharge
26 Fund.

27 Section 26 also limits the current 3-year
28 reimbursement period for other agencies to those law
29 enforcement officers trained by September 1, 1988.
30 Any officer trained after that date will fall under
31 the 5-year reimbursement period established by section
32 27 of the new draft. The requirements are the same as
33 under current law, except that the period is extended
34 to 5 years. An agency hiring a law enforcement
35 officer away from the agency which trained the officer
36 must reimburse that agency a declining percentage of
37 the training costs. After the 5th year of training, no
38 reimbursement is required.

39 Section 28 of the new draft requires an annual

1 report by the Board of Trustees of the Maine Criminal
2 Justice Academy to the Joint Standing Committee on
3 Legal Affairs. The report must include information on
4 training standards, courses, availability of training
5 and any other information the Legislature requests.

6 Section 29 of the new draft codifies the current
7 preservice training practices of the Division of
8 Probation and Parole.

9 Sections 6, 10, 12, 14, 16, 19, 21, 23 and 25 of
10 the new draft specify which sections of Part A do not
11 become effective until July 1, 1989.

12 Part B of the new draft renames the fund created
13 by the 10% surcharge on all fines, penalties and
14 forfeitures to be the Criminal Justice Operations
15 Surcharge Fund. The county share for jail expenses is
16 not altered. The remainder of the fund shall be used
17 to help reimburse municipalities and counties for
18 their costs incurred to comply with the training
19 requirements. These costs specifically include the
20 substitute or overtime pay necessary to cover the
21 officer in training. What remains in the fund shall
22 be turned into a new account called the Maine Criminal
23 Justice Training Fund. This fund will cover the costs
24 of the Maine Criminal Justice Academy, as well as
25 other state agencies' costs in complying with the
26 training requirements of this Act.