

MAINE STATE LEGISLATURE

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L.D. 1142

(Filing No. S-286)

STATE OF MAINE
SENATE
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A " to S.P. 431, L.D. 1142, Bill, "An Act Concerning Law Enforcement Training"

Amend the bill in section 2 in that part designated "~~§2801-A.~~" by striking out all of subsections 3 to 5 and inserting in their place the following:

'3. Full-time corrections officer. "Full-time corrections officer" means a person who is employed as a corrections officer with a reasonable expectation of earning at least \$10,000 in any one calendar or fiscal year for performing corrections officer duties.

4. Full-time law enforcement officer. "Full-time law enforcement officer" means a person who is employed as a law enforcement officer with a reasonable expectation of earning at least \$10,000 in any one calendar or fiscal year for performing law enforcement officer duties.

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

Further amend the bill in section 4 in that part designated "~~§2803-A.~~" in subsection 5 in the last line by inserting after the underlined word "chapter" (page 3, line 37 in L.D.) the following: 'Certification shall be based on the officer's demonstration of having acquired specific knowledge and skills directly related to job performance'

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1 Further amend the bill in section 5 in that part designated
2 "§2804-B." in subsection 8 in the 4th line (page 6, line 13 in
3 L.D.) by inserting after the following: "requirements" the
4 following: 'or to any full-time law enforcement officer employed
5 by a state agency, including the University of Maine System.'

7 Further amend the bill in section 5 in that part designated
8 "§2804-C." in subsection 5 in the 4th line (page 7, line 5 in
9 L.D.) by inserting after the following: "requirements" the
10 following: 'or to any full-time law enforcement officer employed
11 by a state agency, including the University of Maine System.'

13 Further amend the bill in section 5, in the part designated
14 "§2804-D." in subsection 1 in the 11th to 13th lines (page 7,
15 lines 19 to 21 in L.D.) by striking out the following: "as of
16 July 6, 1978, except that full-time corrections officers shall be
17 exempt from the 12-month requirement, but shall have completed
18 successfully the basic training by January 1, 1980." and
19 inserting in its place the following: 'on or after July 6, 1978.'

21 Further amend the bill in section 5 in the part designated
22 "§2804-E." in subsection 2 in the 3rd line (page 7, line 37 in
23 L.D.) by inserting after the following: "post-secondary" the
24 following: 'schools'

25 Further amend the bill in section 5 in the part designated
26 "§2804-E." in subsection 2 in the 6th line (page 7, line 40 in
27 L.D.) by inserting after the following: "decisions" the
28 following: 'and on new enforcement practices demonstrated to
29 reduce crime or increase officer safety'

31 Further amend the bill by striking out all of sections 15
32 and 16 and inserting in their place the following:

35 **Sec. 15. 34-A MRSA §5404, sub-§2, as amended by PL 1989, c.**
36 **127, §14, is further amended to read:**

37
38 **2. Arrest. Arrest, after completing the entry level and**
39 **orientation training course prescribed by the director, in the**
40 **following circumstances:**

41
42 **A. Arrest and return probation and parole violators upon**
43 **request of the chief administrative officer of a**
44 **correctional facility;**

45
46 **B. Arrest and return to a correctional facility persons**
47 **released from the correctional facility under section 3035;**
48 **and**

49
50 **C. If the officer has probable cause to believe that a**
51 **person under the supervision of the Division of Probation**
and Parole has violated a condition of that person's

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1 probation or parole or intensive supervision, the officer
 3 may arrest that person.

5 **Sec. 16. Appropriation.** The following funds are appropriated
 from the General Fund to carry out the purposes of this Act.

7 **1989-90 1990-91**

9 **PUBLIC SAFETY, DEPARTMENT OF**

11 **Maine Criminal Justice Academy**

13	Positions	(1)	(2)
	Personal Services	\$22,729	\$57,676
15	All Other	6,255	12,550
	Capital Expenditures	18,592	20,053

17 Provides funds for a Maine
 19 Criminal Justice Academy
 Training Coordinator in
 21 fiscal year 1989-90 and an
 additional one in fiscal year
 23 1990-91 for the establishment
 of a statewide in-service
 25 training program and upgrade
 of current media resource
 27 equipment and service.

29	DEPARTMENT OF PUBLIC SAFETY		
	TOTAL	<u>\$47,576</u>	<u>\$90,279</u>

31 **CONSERVATION, DEPARTMENT OF**

33 **Division of Forest Fire Control**

35	All Other	\$30,000	\$35,000
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37 Provides funds for the law
 39 enforcement training of the
 department's forest rangers.

41 **Parks - General Operations**

43	All Other	\$18,400	\$17,600
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45 Provides funds for the
 47 training of the department's
 law enforcement related park
 49 managers.

51	DEPARTMENT OF CONSERVATION		
	TOTAL	<u>\$48,400</u>	<u>\$52,600</u>

CORRECTIONS, DEPARTMENT OF

Correctional Center

5	Positions	(1)	(1)
7	Personal Services	\$12,847	\$27,682
	All Other	1,102	1,750
9	Capital Expenditures	578	
11	TOTAL	<u>\$14,527</u>	<u>\$29,432</u>

13 Provides funds for a staff
 14 development specialist to
 15 assist with in-service
 16 training at the Maine
 17 Correctional Center.

Maine Youth Center

21	Positions	(1)	(1)
	Personal Services	\$12,847	\$27,682
23	All Other	1,102	1,750
	Capital Expenditures	578	
25	TOTAL	<u>\$14,527</u>	<u>\$29,432</u>

27 Provides funds for a staff
 28 development specialist to
 29 assist with in-service
 30 training at the Maine Youth
 31 Center.

Downeast Correctional Facility

35	Positions	(1)	(1)
37	Personal Services	\$12,847	\$27,682
	All Other	1,102	1,750
39	Capital Expenditures	578	
41	TOTAL	<u>\$14,527</u>	<u>\$29,432</u>

43 Provides funds for a staff
 44 development specialist to
 45 assist with in-service
 46 training at the Downeast
 47 Correctional Facility.

Charleston Correctional Facility

3	Positions	(1)	(1)
	Personal Services	\$12,847	\$27,682
5	All Other	1,102	1,750
	Capital Expenditures	578	
7			
	TOTAL	<u>\$14,527</u>	<u>\$29,432</u>

9 Provides funds for a staff
 11 development specialist at the
 13 Charleston Correctional
 Facility.

15	DEPARTMENT OF CORRECTIONS		
	TOTAL	<u>\$58,108</u>	<u>\$117,728</u>

17	TOTAL APPROPRIATIONS	<u>\$154,084</u>	<u>\$260,607</u>
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19 **Sec. 17. Effective date.** Sections 2 to 11, 14 and 15 of this
 21 Act shall take effect July 1, 1990.

FISCAL NOTE

23 Enactment of this bill would result in:

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 29 1. A General Fund appropriation to the Department of Public
 31 Safety, Maine Criminal Justice Academy, in the amount of \$47,576
 33 in fiscal year 1989-90 and \$90,279 in fiscal year 1990-91. This
 appropriation would provide funds for one training coordinator
 position in fiscal year 1989-90 and an additional one in fiscal
 year 1990-91. It should be understood that this request has been
 included in the Governor's supplemental budget bill, L.D. 640;

35
 37 2. A General Fund appropriation to the Department of
 39 Conservation, Division of Forest Fire Control, in the amount of
 \$30,000 for fiscal year 1989-90 and \$35,000 for fiscal year
 1990-91. This appropriation would provide funds for the training
 of the department's forest rangers;

41
 43 3. A General Fund appropriation to the Department of
 45 Conservation, Parks - General Operations, in the amount of
 \$18,400 in fiscal year 1989-90 and \$17,600 in fiscal year
 1990-91. This appropriation would provide funds for the training
 of the department's park managers;

47
 49 4. General Fund appropriations to the Department of
 Corrections for the following institutions:

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	1989-90	1990-91
3	Maine Correction Center \$14,527	\$29,432
	Maine Youth Center \$14,527	\$29,432
5	Downeast Correctional Facility \$14,527	\$29,432
	Charleston Correctional Facility \$14,527	\$29,432

5. No additional costs to the Department of Inland Fisheries and Wildlife, the Division of Motor Vehicles or the Department of Marine Resources. These departments have indicated that they currently offer their law enforcement personnel the proper and necessary training;

6. The establishment of a 5-year reimbursement method for agencies who hire a law enforcement officer from another governmental entity. This legislation could have a financial impact on the Department of Public Safety. However, the impact is expected to be minimal and would be absorbed; and

Finally, it is anticipated that this bill would have a financial impact on the municipalities of the State. The exact cost of this impact cannot be determined at this time.'

STATEMENT OF FACT

This amendment makes the following changes and corrections.

1. The amendment includes probation officers or intensive supervision officers in the definition of "law enforcement officer."

2. The amendment changes the definitions of "full-time corrections officer" and "full-time law enforcement officer." The bill defined both in terms of annual work hours. The amendment defines full-time corrections and law enforcement officers as those who earn \$10,000 or more in a year.

3. The amendment requires corrections officers to meet a certification standard based on their ability to demonstrate knowledge and skills directly related to their job performance.

4. The amendment "grandfathers" full-time law enforcement officers who are employed by a state agency and meet the statutory requirements for training as of July 1, 1990, as to the new mandatory basic law enforcement training requirements.

5. The amendment requires in-service training instruction to inform law enforcement officers of new enforcement practices demonstrated to reduce crime or increase officer safety.

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1 6. The amendment, in conformity with Public Law 1989,
chapter 127, section 14, adds violation of conditions of one's
3 intensive supervision to the list of violations for which a
corrections officer may make an arrest.

5 7. The amendment clarifies language which defines those
7 full-time corrections officers who are "grandfathered" as to the
basic corrections training.

9 8. The amendment makes a technical correction in the part
11 of the bill which deals with coordinating delivery of in-service
training among a variety of institutions.

13 9. The amendment adds an appropriation section and a fiscal
15 note.

Reported by Senator Matthews for the Committee on Legal
Affairs. Reproduced and Distributed Pursuant to Senate
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