

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1616, L.D. 2277, Bill, "An Act to Broaden and Specify Conduct for Which the Certificate of a Law Enforcement Officer May Be Suspended or Revoked"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 25 MRSA §2806, sub-§1, ¶B, as amended by PL 1989, c. 521, §§9 and 17, is repealed and the following enacted in its place:

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

(1) Has been found guilty of murder or any crime classified in state law as a Class A, Class B, Class C or Class D crime or a violation of any provision of the Maine Criminal Code, chapter 15, 19, 25 or 45;

(2) Has engaged in conduct that is prohibited or penalized by state law as murder or a Class A, Class B, Class C or Class D crime or by any provision of the Maine Criminal Code, chapter 15, 19, 25 or 45;

(3) Has been found guilty of conduct specified in subparagraph (2) in another state or other jurisdiction, unless that conduct is not punishable as a crime under the laws of that state or other jurisdiction in which it occurred;

(4) Has engaged in conduct specified in subparagraph (2) in another state or other jurisdiction, unless that conduct is not punishable as a crime under the laws of that state or other jurisdiction in which it occurred;
or

2 (5) Has falsified or misrepresented material facts in
4 obtaining or maintaining the certificate; and

6 **Sec. 2. 25 MRSA §2806, sub-§1-A** is enacted to read:

8 1-A. Investigation and notice of complaints. Before
10 proceeding with a hearing to suspend or revoke a law enforcement
12 officer's certification under subsection 1, paragraph B,
14 subparagraph (2) or (4), the board shall notify the chief
16 administrative officer of the agency employing the officer that
18 the board is contemplating suspension or revocation of the
20 officer's certification. The chief administrative officer shall
22 investigate that alleged conduct and shall report its findings to
24 the board within 30 days of receiving notice of the board's
26 contemplation of suspension or revocation. The board shall
28 proceed with any suspension or revocation action it determines
30 appropriate after receiving the chief administrative officer's
 report. This subsection does not prevent a chief administrative
 officer from investigating conduct that may give rise to grounds
 for suspension or revocation before receiving a request for an
 investigation from the board, provided the chief administrative
 officer notifies the board following that investigation if the
 investigation reveals reasonable cause to believe that an officer
 has engaged in conduct described in subsection 1, paragraph B,
 subparagraph (2) or (4). Nothing in this subsection prevents the
 board from investigating conduct of a law enforcement officer on
 its own or referring a matter of such conduct to another agency
 for investigation.

32 **Sec. 3. 25 MRSA §2806, sub-§2, ¶A**, as repealed and replaced by
PL 1983, c. 244, §7, is amended to read:

34 A. For paragraph A and paragraph B, subparagraph (2), (4)
36 or (5), in accordance with Title 5, chapter 375, subchapter
 IV;

38 **Sec. 4. 25 MRSA §2806, sub-§2, ¶B**, as amended by PL 1991, c.
40 451, is further amended to read:

42 B. For paragraph B, subparagraph (1) or (3), if the officer
44 is employed as a law enforcement officer, in accordance with
 Title 5, section 10004; and

46 **Sec. 5. 25 MRSA §2806, sub-§7** is enacted to read:

48 7. Recertification. A person whose certificate has been
50 revoked under subsection 1, paragraph B, may apply to the board
 for reinstatement of certification if:

2 A. The certificate was revoked for a cause other than
4 engaging in conduct that is prohibited or penalized by state
6 law as murder; or as a Class A, Class B or Class C crime; or
8 for equivalent conduct in another state or other
10 jurisdiction;

12 B. At least 3 years have elapsed since revocation of the
14 certificate; and

16 C. A law enforcement agency has indicated a commitment to
18 hire the officer if the officer is certified.

20 The granting of certification under this subsection is governed
22 by Maine Criminal Justice Academy rules relating to
24 certification. The officer is subject to all training
26 requirements applicable to persons whose certification has
28 lapsed.'

30
STATEMENT OF FACT

 This amendment provides a process for reinstatement of the
certificate of a law enforcement officer whose certificate has
been revoked as a result of conduct other than murder or other
felony. The amendment also requires the Board of Trustees of the
Maine Criminal Justice Academy to give notice to the chief
administrative officer of the agency employing an officer being
investigated and an opportunity for the employing agency to
investigate the grounds for suspension or revocation.

Reported by the Committee on Legal Affairs
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