

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2277

H.P. 1616

House of Representatives, February 3, 1992

Submitted by the Department of the Attorney General pursuant to Joint Rule 24.
Reference to the Committee on Legal Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

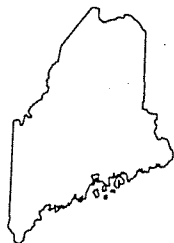
Presented by Representative RICHARDSON of Portland.

Cosponsored by Representative TUPPER of Orrington and Senator MILLS of Oxford.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-TWO

**An Act to Broaden and Specify Conduct for Which the Certificate of a
Law Enforcement Officer May Be Suspended or Revoked.**



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

2
4 **25 MRSA §2806, sub-§1, ¶B**, as amended by PL 1989, c. 521, §§9
and 17, is further amended to read:

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

10 (1) ~~Has been found guilty of~~ engaged in conduct that
12 is prohibited or penalized by Title 17-A, the Maine
14 Criminal Code as murder or any, a Class A, Class B or,
Class C or Class D crime or by any provision of
14 chapters 15, 19, 25 or 45 of the Maine Criminal Code; or

16 (2) Has engaged in conduct specified in subparagraph 1
18 in another state or other jurisdiction, unless that
18 conduct is not punishable as a crime under the laws of
20 that state or other jurisdiction in which it occurred;
or

22 ~~(3)~~ (3) Has been found guilty of any crime in this or
24 another jurisdiction for which the maximum term of
imprisonment prescribed by law exceeds ~~one year~~ 6
26 months; or

28 ~~(4)~~ (4) Has been found guilty of any crime in this or
30 another jurisdiction for which the maximum term of
32 imprisonment prescribed by law is not less than 6
32 months and which involves moral turpitude falsified or
32 misrepresented material facts in obtaining or
32 maintaining the certificate; and

34 **Sec. 2. 25 MRSA §2806, sub-§2, ¶A**, as repealed and replaced by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

38 A. For paragraph A and paragraph B, subparagraphs (1) and
(2), in accordance with Title 5, chapter 375, subchapter IV;

40 **Sec. 3. 25 MRSA §2806, sub-§2, ¶B**, as amended by PL 1991, c.
42 451, is further amended to read:

44 B. For paragraph B, subparagraphs (3) and (4), if the
46 officer is employed as a law enforcement officer, in
48 accordance with Title 5, section 10004; and

STATEMENT OF FACT

50 This bill broadens the authority of the Board of Trustees of
the Maine Criminal Justice Academy to suspend or revoke the

2 certificate issued by the board to a law enforcement officer or
3 corrections officer.

4 The bill requires the board to utilize the normal
5 administrative adjudicatory process, such as notice and the
6 opportunity for hearing, for the suspension or revocation.

8 The bill dispenses with the administrative fact-finding
9 procedure when the basis of the board's action is a conviction.
10