

MAINE STATE LEGISLATURE

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103

L.D. 1114

DATE: 3/28/94

(Filing No. H- 969)

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LEGAL AFFAIRS

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12 the House.

14 **STATE OF MAINE**
16 **HOUSE OF REPRESENTATIVES**
18 **116TH LEGISLATURE**
20 **SECOND REGULAR SESSION**

22 COMMITTEE AMENDMENT "A" to H.P. 828, L.D. 1114, Bill, "An
24 Act to Amend the Laws Governing the Training and Certification of
26 Law Enforcement Officers"

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

34 'Sec. 1. 4 MRSA §1057, as amended by PL 1991, c. 733, §3, is
36 further amended to read:

38 **§1057. Government Operations Surcharge Fund**

40 1. **Fund established.** There is hereby established a fund to
42 be known as the Government Operations Surcharge Fund. This fund
44 must be maintained by the Treasurer of State for the ~~sole purpose~~
46 of reimbursing counties for costs associated with operations of
the jail system and for reimbursing the Maine Criminal Justice
Academy and local units of government for costs associated with
providing law enforcement officer basic and in-service
recertification training.

2. **Surcharge imposed.** A surcharge of 10% 15% must be added
to every fine, forfeiture or penalty imposed by any court in this
State, which, for the purposes of collection and collection
procedures, is considered a part of the fine, forfeiture or
penalty. All funds collected as a result of this surcharge must
be deposited monthly in the Government Operations Surcharge Fund.

COMMITTEE AMENDMENT

2 3. **Reimbursement to counties and payment to Criminal**
 4 **Justice Academy.** Monthly, the Treasurer of State shall make
 6 payments from this fund to each county in the same proportion as
 8 the total amount paid to that county from the total amount
 10 deposited into the fund during the fiscal year ending June 30,
 12 1991 bears to the total amount deposited into the fund during the
 14 fiscal year ending June 30, 1991, except that a county may not
 16 receive an amount greater than the prior year's expenditures on
 18 its jail. The amount of total payments made to counties must
 20 equal 2% of the total fines, forfeitures and penalties, including
 22 this surcharge, received by the Treasurer of State. Monthly, the
Treasurer of State shall make payments from this fund to a
dedicated account within the budget of the Maine Criminal Justice
Academy. Funds in this account must be expended annually to
supplement local and county law enforcement officer basic and
in-service recertification training. The amount of the total
payment made to this account must equal 1/3 of the total
surcharge received by the Treasurer of State. The balance
 remaining in the Government Operations Surcharge Fund at the end
 of each month must accrue to the General Fund.

24 Sec. 2. 25 MRSA §2802, as amended by PL 1985, c. 194, is
 further amended to read:

26 **§2802. Board of trustees**

28 There is created a board of trustees for the academy
 30 consisting of ~~15~~ 17 members as follows: The Commissioner of
 32 Public Safety, ex officio, the Attorney General, ex officio, the
 34 Game Warden Colonel in the Department of Inland Fisheries and
 36 Wildlife and the Commissioner of Corrections, ex officio, and the
 38 following to be appointed by the Governor: A a commissioned
 40 officer of the State Police, a county sheriff, a chief of a
 42 municipal police department, 2 officers of municipal police
 44 departments, an educator who is not and has never been a sworn
 46 member of a law enforcement agency, a representative from a
 48 criminal justice agency not involved in the general enforcement
 of Maine criminal laws, a representative of a federal law
 enforcement agency, a--citizen 3 citizens each who are not and
have never been sworn members of a law enforcement agency, a
municipal officer official who is not and has never been a sworn
member of a law enforcement agency and one nonsupervisory
 corrections officer representing a state or county correctional
 facility.

48 The Commissioner of Public Safety or his the commissioner's
 50 designee, and the Attorney General or his the Attorney General's
 designee, ~~shall be~~ the Game Warden Colonel in the Department of
Inland Fisheries and Wildlife or the Game Warden Colonel's

2 designee and the Commissioner of Corrections or the
3 commissioner's designee are members of the board during their
4 term terms of office. All of the other members of the board shall
5 serve for a term of 3 years. Members of the board shall--be
6 compensated are entitled to compensation in accordance with Title
7 5, chapter 379. Any vacancy on the board of trustees shall must
8 be filled in the same manner as the original appointment, but for
9 the unexpired term.

10 **Sec. 3. 25 MRSA §2803-A, sub-§1, as enacted by PL 1989, c.**
11 **521, §§4 and 17, is amended to read:**

12
13 **1. Training and certification of all law enforcement**
14 **officers in State.** In accordance with this chapter, to establish
15 training and certification standards for all law enforcement
16 officers. Certification shall must be based on the officer's
17 demonstration of having acquired specific knowledge and skills
18 directly related to job performance. No later than December 30,
19 1994, the board shall establish joint training and certification
20 standards designed to combine into a single basic training course
21 the present State Police course and the basic municipal and
22 county course, provided there is no diminution of the training or
23 certification standards effective prior to December 30, 1994.
24 The board shall report its recommendations and the necessary
25 implementing legislation for a basic training course to the
26 Legislature by January 30, 1995. The Legislature must approve
27 basic training courses and the associated costs before courses
28 may be implemented.

29 Until the board establishes joint training and certification
30 standards pursuant to this subsection, the Chief of the State
31 Police shall approve the basic training requirements for enlisted
32 personnel of the State Police for graduation from the academy.
33 The board shall certify State Police enlisted personnel who meet
34 the approved basic training requirements;

35
36 **Sec. 4. 25 MRSA §2803-A, sub-§2, as enacted by PL 1989, c.**
37 **521, §§4 and 17, is amended to read:**

38
39 **2. Admission standards and certification requirements;**
40 **curriculum.** In accordance with the requirements of this chapter,
41 to establish standards for admission to the board-approved
42 courses, taking into account state hiring standards and
43 procedures applicable to all state departments; set requirements
44 for board-approved courses; prescribe curriculum; and certify
45 both graduates of the board-approved courses and persons for whom
46 the board has waived the training requirements of this chapter.
47 The board may not set standards for admission to the
48 board-approved courses until July 1, 1990, for persons required
49 to be trained under Title 30, section 6210, subsection 4, which
50

standards are higher than those in force on September 23, 1983. The board shall set basic selection, admission and certification standards that apply uniformly to all candidates applying for admission to the academy beginning January 1, 1996. These standards may reflect no diminution from any standards in effect prior to January 1, 1996;

Sec. 5. 25 MRSA §2803-A, sub-§6, as enacted by PL 1989, c. 521, §§4 and 17, is repealed:

Sec. 6. 25 MRSA §2803-B is enacted to read:

§2803-B. Requirements of law enforcement agencies

1. Law enforcement policies. All law enforcement agencies shall adopt written policies regarding procedures to deal with the following:

A. Use of force;

B. Barricaded persons and hostage situations;

C. Persons exhibiting deviant behavior;

D. Domestic violence;

E. Hate or bias crimes;

F. Police pursuits;

G. Citizen complaints of police misconduct; and

H. Criminal conduct engaged in by law enforcement officers.

The chief administrative officer of each agency shall certify to the board that attempts are made to obtain public comment during the formulation of policies.

2. Minimum policy standards. The board shall establish minimum standards for each law enforcement policy no later than June 1, 1995.

3. Agency compliance. The chief administrative officer of each law enforcement agency shall certify to the board no later than January 1, 1996 that the agency has adopted written policies consistent with the minimum standards established by the board pursuant to subsection 2. This certification must be accompanied by copies of the agency policies. The chief administrative officer of each agency shall certify to the board no later than June 1, 1996 that the agency has provided orientation and training for its members with respect to the policies.

2 4. Penalty. An agency that fails to comply with any
4 provision of subsection 3 commits a civil violation for which the
6 State Government or local government entity whose officer or
employee committed the violation may be adjudged a forfeiture not
to exceed \$500.

8 5. Annual standards review. The board shall review
10 annually the minimum standards for each policy to determine
12 whether changes in any of the standards are necessary to
14 incorporate improved procedures identified by critiquing known
actual events or by reviewing new enforcement practices
demonstrated to reduce crime, increase officer safety or increase
public safety.

16 **Sec. 7. 25 MRSA §2804-C,** as enacted by PL 1989, c. 521, §§5
18 and 17, is amended to read;

20 **§2804-C. Basic law enforcement training; core curriculum**
22 **requirements**

22 **1. Required.** As a condition to the continued employment of
24 any person, as a full-time law enforcement officer by a
26 municipality, a county, the State or other nonfederal employer,
28 that person must successfully complete, within the first 12
30 months of employment, a basic training course approved by the
32 board. The board, under extenuating and emergency circumstances
34 in individual cases, may extend that period for not more than 90
days. In addition, the board may waive in individual cases the
basic training requirement when the facts indicate that an
equivalent course has been successfully completed. This section
does not apply to any person employed as a full-time law
enforcement officer by a municipality on September 23, 1971, or
by a county on July 1, 1972.

36 ~~2.--Core-curriculum-requirements.--The board shall establish~~
38 ~~core-curriculum-requirements which must be satisfied by each law~~
40 ~~enforcement officer within 12 months of assuming law enforcement~~
42 ~~duties including the power to make arrests or the authority to~~
44 ~~carry a firearm in the course of duty.--The board shall base the~~
46 ~~core-curriculum-requirements on the necessary knowledge, training~~
~~and skills common to all law enforcement officers in this State.~~
~~In establishing the requirements, the board shall cooperate with~~
~~the State and local departments and agencies to which the~~
~~preservice requirements apply to ensure that the standards are~~
~~appropriate.~~

48 **2-A. Probationary employment period.** Upon being hired, a
law enforcement officer shall complete an employment probationary

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2 period that lasts at least one year after graduation from the
3 academy.

4 3. **Certification.** The board shall certify each law
5 enforcement officer who meets the core curriculum training
6 requirements.

8 4. **Courses.** The board shall provide a training course, the
9 successful completion of which meets core curriculum
10 requirements. The board shall provide a basic training course
11 designed primarily for municipal and county law enforcement
12 officers.

14 A. Provide a training course, the successful completion of
15 which meets the basic training requirements;

16 B. Provide a structured residential program that balances
17 the goals of professional policing with public services
18 emphasis;

20 C. Incorporate a community policing philosophy in its
21 training program; and

24 D. Review the basic training requirements of the current
25 basic municipal and county training course and, no later
26 than December 30, 1994, establish a course of basic training
27 for all law enforcement positions that reflects no
28 diminution in quality or standards of the training courses
29 established by the board prior to December 30, 1994,
30 pursuant to this section, section 2803-A, subsection 5 and
31 former section 2803-A, subsection 6.

32 5. **Application to currently certified law enforcement**
33 **officers.** This section does not apply to any law enforcement
34 officer certified as meeting the law enforcement training
35 requirements or to any full-time law enforcement officer employed
36 by a state agency, including the University of Maine System, as
37 of July 1, 1990.

40 **Sec. 8. 25 MRSA §2804-E, sub-§§1 and 2,** as enacted by PL 1989,
41 c. 521, §§5 and 17, are amended to read:

42 1. **Required.** As a condition to the continued employment of
43 any a person as a law enforcement officer with the power to make
44 arrests or the authority to carry a firearm in the course of duty
45 by a municipality, county, the State or other nonfederal
46 employer, that person must successfully complete a minimum number
47 of hours of in-service recertification training as prescribed by
48 the board. Starting January 1, 1995, the board shall require a
49 minimum of 15 hours of in-service recertification training

2 annually for each law enforcement officer. The board shall
3 maintain in-service training records for all officers for
4 recertification purposes.

5 **2. Role of board.** The board shall establish in-service
6 recertification training requirements, consistent with subsection
7 1, coordinate delivery of in-service training with post-secondary
8 postsecondary schools and other institutions and law enforcement
9 agencies and administer in-service training programs. The
10 in-service recertification training requirements shall must
11 include information on new laws and court decisions and on new
12 enforcement practices demonstrated to reduce crime or increase
13 officer safety. The board shall consider and encourage the use
14 of telecommunications technology in the development and delivery
15 of in-service training programs. In establishing the
16 recertification training requirements, the board shall cooperate
17 with the State state and local departments and agencies to which
18 the in-service requirements apply to ensure that the standards
19 are appropriate. In-service training may not be applied to
20 satisfy in-service recertification training requirements unless
21 it is approved by the board.

22 **Sec. 9. 25 MRSA §2804-E, sub-§§4 and 5 are enacted to read:**

23 **4. Credit for continuing education.** The board may grant
24 in-service training credits to be applied to in-service
25 recertification training requirements for courses completed at
26 accredited colleges and universities.

27 **5. Funds for in-service recertification training.** The
28 Treasurer of State shall distribute annually 70% of the dedicated
29 account, funded by the Government Operations Surcharge Fund, to
30 the municipal and county units of government as a reimbursement
31 for meeting the requirements established by the board for law
32 enforcement officer in-service recertification training. The
33 amount distributed to municipal and county units of government is
34 established by dividing the number of certified full-time
35 officers employed within the State into the amount representing
36 70% of the fund to determine the amount to be paid as a per
37 officer reimbursement. Each municipality, county or state unit
38 of government receives that portion for each officer employed on
39 a full-time basis. The funds must be distributed annually on the
40 basis of employment records as provided for in section 2805-B,
41 subsection 1.

42 **Sec. 10. 25 MRSA §2804-G is enacted to read:**

43 **§2804-G. Qualifications**

44 **1. Age.** An applicant must be 21 years of age or older to

2 qualify for a position as a law enforcement officer unless the
3 applicant has an associate's degree or 60 credit hours of
4 postsecondary education, in which case the applicant must be at
5 least 20 years of age.

6 Sec. 11. 25 MRSA §2805-B, sub-§1, as enacted by PL 1989, c.
7 521, §§8 and 17, is amend to read:

8
9
10 1. **Annual report and records.** Within 30 days of the close
11 of each calendar year, the highest elected official of each
12 political subdivision and the head of each state department and
13 agency employing law enforcement or corrections officers subject
14 to this chapter shall provide the board with a report containing
15 a list of the names and dates of employment of all law
16 enforcement and corrections officers covered by this chapter.
17 The official or department or agency head shall maintain records
18 regarding the basic and in-service training of law enforcement
19 and corrections officers as provided in sections 2804-C to
20 2804-F. The report provided to the board must include the total
21 number of excessive force complaints received about law
22 enforcement or corrections officers during the reporting year by
23 the reporting jurisdiction and the total number of these
24 complaints that were determined to be founded and unfounded. The
25 board may adopt additional categories that law enforcement
26 agencies shall record and include in their annual report to the
27 board.

28 Sec. 12. 25 MRSA §2805-C is enacted to read:

29 **§2805-C. Complaint review committee**

30
31
32 1. **Committee.** The chair of the board shall appoint 3
33 members of the board to serve on the complaint review committee.
34 One of the members must be one of the citizen members of the
35 board. All members of the committee must be present for
36 deliberations. A majority vote is necessary to recommend taking
37 corrective or disciplinary action on a complaint.

38
39
40 2. **Investigation.** The committee shall investigate
41 complaints regarding any violation of this chapter or rules
42 established by the board by a law enforcement or corrections
43 officer and recommend appropriate action to the board.

44 Sec. 13. 25 MRSA §2806, sub-§1, ¶B, as repealed and replaced
45 by PL 1991, c. 790, §1, is amended to read:

46
47
48 B. May suspend or revoke the certificate issued pursuant to
49 former section 2803, 2805 or 2805-A or section 2803-A,
50 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~~

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

(6) Has engaged in conduct that violates the standards established by the board pursuant to section 2803-B, subsection 1, provided that the conduct, when viewed in light of the nature and purpose of the person's conduct and circumstances known to the person, involves a gross deviation from the standard of conduct that a reasonable and prudent law enforcement officer would observe in the same situation; and

Sec. 14. 25 MRSA §2806, sub-§1-A, as enacted by PL 1991, c. 790, §2, is amended to read:

1-A. **Investigation and notice of complaints.** Before proceeding with a hearing to suspend or revoke a law enforcement or corrections officer's certification under subsection 1, paragraph B, subparagraph (2) ~~or~~, (4) or (6), the board shall notify the chief administrative officer of the agency employing the officer that the board is contemplating suspension or revocation of the officer's certification. The chief administrative officer shall investigate ~~that~~ the alleged conduct and shall report its findings to the board within 30 days of receiving notice of the board's contemplation of suspension or revocation. The board shall proceed with any suspension or revocation action it determines appropriate after receiving the chief administrative officer's report. This subsection does not

prevent preclude 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 that 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) or (6). Nothing in this subsection ~~prevents~~ precludes 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.

Sec. 15. 25 MRSA §2806, sub-§2, ¶A, as corrected by RR 1991, c. 2, §97, is amended to read:

A. For subsection 1, paragraph A and subsection 1, paragraph B, subparagraph (2), (4) ~~or~~ (5) or (6), in accordance with Title 5, chapter 375, subchapter IV;

Sec. 16. 25 MRSA §2809, sub-§§4 and 5, as enacted by PL 1989, c. 521, §§14 and 17, are amended to read:

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

5. **Other information.** Any other information the Legislature may request or the board determines is appropriate, and

Sec. 17. 25 MRSA §2809, sub-§6 is enacted to read:

6. In-service recertification training funds. An annual account by the Maine Criminal Justice Academy for the expenditure of funds received from the Government Operations Surcharge Fund. The Department of Audit shall audit the dedicated account and report the disbursement of funds for the in-service recertification training of municipal, county and state law enforcement officers.

Sec. 18. 30-A MRSA §2701, as amended by PL 1991, c. 182, is further amended to read:

§2701. Employee probation periods

Except as specifically provided otherwise by charter or ordinance, any reference to cause and hearing in this Part only applies to an employee who has completed a reasonable probation

20's

2 period established by the municipality. Periods of probation may
not exceed 6 calendar months or the length of time in effect in a
4 municipality on January 1, 1984, whichever is greater, except
that in the case of police officers, ~~a longer probationary period
not to exceed one year may be established as the result of
6 collective bargaining or provided for by the municipality in the
absence of a bargaining agent~~ who upon being hired, shall
8 complete an employment probationary period that lasts at least
one year after graduation from the Maine Criminal Justice Academy.

10
12 **Sec. 19. Transition provisions; Board of Trustees of the Maine
Criminal Justice Academy.** All current members of the existing
14 Board of Trustees of the Maine Criminal Justice Academy may
continue to serve as members of the board until their terms
16 expire or until the terms are otherwise vacated, regardless of
the changes defined in the Maine Revised Statutes, Title 25,
18 section 2802. Any appointments made after April 1, 1994 must be
made in accordance with Title 25, section 2802.

20 **Sec. 20. Study of the use of reserve and part-time law enforcement
officers.** The Board of Trustees of the Maine Criminal Justice
22 Academy shall conduct a study that surveys and analyzes the
demographics, number and use of reserve and part-time law
24 enforcement officers in the State and that explores the
appropriateness and sufficiency of the level of training
26 presently required for those officers. The board shall invite
the participation of the Maine Municipal Association the Maine
28 Chiefs of Police Association and the Maine Sheriffs Association
in conducting its study. The board shall incorporate a report of
30 its findings in its annual report to the Legislature in 1996.

32 **Sec. 21. Study to create a plan to implement the transition of the
student body of the Maine Criminal Justice Academy from individuals who
34 are previously employed by law enforcement agencies to individuals who
are not previously employed by law enforcement agencies.** The Board of
36 Trustees of the Maine Criminal Justice Academy shall create a
plan to implement the transition of the Criminal Justice
38 Academy's current student body of individuals employed by law
enforcement agencies prior to enrollment to individuals who are
40 not previously employed by law enforcement agencies prior to
enrollment. The board shall evaluate the options of implementing
42 a complete transition of its student body, so that all students
are not employed by law enforcement agencies prior to enrollment
44 and a partial transition of its student body, so that some
students are previously employed by law enforcement agencies and
46 some are not. The board shall compare the findings from both
evaluations to the current system of enrollment and make
48 recommendations regarding resources and procedures that would be
necessary to accomplish the transition. The board shall report

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its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over legal affairs and the Executive Director of the Legislative Council no later than January 1996.

Sec. 22. Study of the use of psychological examination for admission to the academy basic training course. The Board of Trustees of the Maine Criminal Justice Academy shall conduct a study to explore the requirement of successful completion of a psychological examination prior to admission to the Maine Criminal Justice Academy's basic training course. The report shall include findings regarding the appropriateness of using psychological testing as a prerequisite to admission to the academy's basic training course, specific recommendations for the use of psychological testing, any legislation necessary to carry out its recommendations and the costs of any recommendations.

The Board of Trustees of the Maine Criminal Justice Academy shall submit its report and any proposed legislation to the joint standing committee of the Legislature having jurisdiction over legal affairs and the Executive Director of the Legislative Council no later than November 1, 1994.

Sec. 23. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

1994-95

JUDICIAL DEPARTMENT

Government Operations Surcharge Fund

All Other \$1,050,000

Provides for authorization for the payment of increased surcharge amounts to the Maine Criminal Justice Academy.

JUDICIAL DEPARTMENT TOTAL

\$1,050,000

PUBLIC SAFETY, DEPARTMENT OF

Maine Criminal Justice Academy

Positions (5.0)
Personal Services 151,599

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2	All Other	139,257
	Capital Expenditures	24,144
4		
6	TOTAL	<u>\$315,000</u>

8 Provides funds for a Certification Officer,
 two Training Coordinators, a Clerk Typist
 10 III and a Business Manager, general
 operating expenses and two vehicles.

12 **Law Enforcement Officer Training**

14		
16	All Other	\$735,000
18	Provides funds to be distributed to	
	municipalities and counties based on the	
20	number of full time law enforcement officers	
	for law enforcement officer training costs.	

22 **DEPARTMENT OF PUBLIC SAFETY**
24 **TOTAL**

\$1,050,000

26 **TOTAL ALLOCATIONS**

\$2,100,000'

28 Further amend the bill by inserting at the end before the
30 statement of fact the following:

32 **FISCAL NOTE**

34		1993-94	1994-95
36	APPROPRIATIONS/ALLOCATIONS		
38	Other Funds		\$2,100,000
40			
42	REVENUES		
44	Other Funds		\$2,100,000

46 The increase of the surcharge from 10% to 15% will generate
 48 approximately \$1,050,000 of additional dedicated revenue annually
 to the Government Operations Surcharge Fund beginning in fiscal
 50 year 1994-95. This additional dedicated revenue must be paid to

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the Maine Criminal Justice Academy, an allocation to the Judicial Department which collects the surcharge is included to authorize the monthly payments to the academy. Seventy percent of this additional dedicated revenue, \$735,000, must be distributed to municipal and county law enforcement agencies based on the number of full time officers.

This bill requires 15 hours of in-service training annually of all law enforcement officers. This requirement represents a mandate on all counties and municipalities with law enforcement officers. The estimated cost of filling in for officers during this training and other miscellaneous costs for local units of government is approximately \$1,091,250 annually. The estimated annual net cost after the distribution of training funds is \$356,250. Pursuant to the Mandate Preamble, the two-thirds vote of all members elected to each House exempts the State from the constitutional requirement to fund 90% of the additional local costs.

This bill also includes other requirements on local law enforcement agencies which include developing policies for certain law enforcement procedures with required public input and additional reporting requirements. These minor additional costs are also exempt from the requirement that the State fund 90% of the additional local costs.

The Maine Criminal Justice Academy will have approximately \$315,000 annually to cover its costs associated with the additional training requirements. This amount is allocated in fiscal year 1994-95 to the academy to provide funding for five new positions and related operating expenses. This level of funding may be insufficient beginning in fiscal year 1995-96 if additional sites for training and instructors will not continue to be provided gratis.

Most state agencies with law enforcement officers will be able to absorb the net additional costs associated with the 15 hour annual in-service training requirement. However, the ability for some state agencies to absorb these costs will depend on the standards set by the academy. Future General Fund appropriations may be required to cover some of the net additional training costs.

This bill also establishes a new civil violation. The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may increase General Fund revenue by minor amounts.'

2 **STATEMENT OF FACT**

4 The amendment replaces the original bill.

6 This amendment makes the following changes to the laws
8 governing the training and certification of law enforcement
officers.

10 1. The amendment specifies that payments from the
12 Government Operations Surcharge Fund must, as well as being
14 transferred to counties for costs associated with operations of
the jail system, be transferred monthly to a dedicated account
within the budget of the Maine Criminal Justice Academy for local
and county law enforcement officer training.

16 2. The amendment increases the membership of the Board of
18 Trustees of the Maine Criminal Justice Academy to include 2
additional citizen members. It also adds the requirement that
20 the 3 citizens members, the educator member and the municipal
official member may not be currently and may never have been
22 sworn officers of a law enforcement agency. The current members
of the board who do not meet the new standards may serve until
24 their terms expire.

26 3. The amendment requires the board to set uniform training
and certification standards no later than December 30, 1994 and
28 requires the board to report its recommendations and the
necessary implementing legislation for a basic training course to
30 the Legislature no later than January 30, 1995. The Legislature
must approve the training course and any associated costs before
32 the course may be implemented. It also requires the board to
establish minimum standards for each law enforcement policy no
34 later than June 1, 1995 and procedures for agency compliance with
the policies.

36 4. The amendment eliminates the requirement that the Chief
38 of the State Police approve the basic training requirements
established by the board of trustees, except that until the new
40 joint training and certification standards are established, the
Chief of the State Police shall approve the basic training
42 requirements for enlisted personnel of the State Police for
graduation from the academy.

44 5. The amendment requires all law enforcement agencies to
46 adopt policies regarding procedures for using force and dealing
with barricaded persons, persons with variant social
48 capabilities, domestic violence, hate or bias crimes, police
pursuits, citizens' complaints of police misconduct and criminal
50 conduct engaged in by law enforcement officers. The chief

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administrative officer of each agency shall certify to the board that attempts are made to obtain public comment during the policy formulation period.

6. The amendment specifies that the employment probationary period of a law enforcement officer begins upon being hired and lasts for at least one year after graduation from the academy.

7. The amendment requires a minimum of 15 hours of in-service recertification training annually for law enforcement officers.

8. The amendment requires that a person must be at least 21 years of age or older to qualify for a position as a law enforcement officer unless the person has an associate's degree or 60 credit hours of postsecondary education, in which case the person must be at least 20 years of age.

9. The amendment requires that annual reports from law enforcement agencies to the board must include the total number of excessive force complaints. The board may choose other categories that agencies shall record and report.

10. The amendment establishes a complaint review committee to review certain complaints and make recommendations to the board.

11. The amendment permits the board to suspend or revoke the certificate of any person who has engaged in conduct that violates the standards established by the board pursuant to the Maine Revised Statutes, Title 25, section 2803-B, subsection 1.

12. The amendment requires that the Board of Trustees of the Maine Criminal Justice Academy study the use of reserve and part-time law enforcement officers and create a plan to implement a transition in the composition of the student body of the Maine Criminal Justice Academy.

13. The amendment requires that the Board of Trustees study the use of psychological examination for admission to the Maine Criminal Justice Academy basic training course.

The amendment also adds a fiscal note.