

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

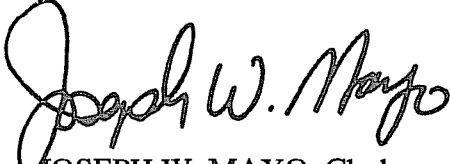
No. 1114

H.P. 828

House of Representatives, April 1, 1993

**An Act to Amend the Laws Governing the Training and Certification of
Law Enforcement Officers.**

Reference to the Committee on Legal Affairs suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative KONTOS of Windham.

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

2
4 **Sec. 1. 4 MRSA §1057, sub-§3**, as amended by PL 1991, c. 733, §3, is further amended to read:

6 **3. Reimbursement to counties.** Monthly, the Treasurer of
8 State shall make payments from this fund to each county in the
10 same proportion as the total amount paid to that county from the
12 total amount deposited into the fund during the fiscal year
14 ending June 30, 1991 bears to the total amount deposited into the
16 fund during the fiscal year ending June 30, 1991, except that a
18 county may not receive an amount greater than the prior year's
20 expenditures on its jail. The amount of total payments made to
counties must equal 2% of the total fines, forfeitures and
penalties, including this 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 be transferred to a dedicated account within the
budget of the Maine Criminal Justice Academy for local, county
and state law enforcement officer training.

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

26 There is created a board of trustees for the academy
28 consisting of ~~15~~ 17 members as follows: The Commissioner of
30 Public Safety, ex officio, the Attorney General, ex officio, the
32 Game Warden Colonel in the Department of Inland Fisheries and
34 Wildlife and the Commissioner of Corrections, ex officio, and the
36 following to be appointed by the Governor: A commissioned officer
of the State Police, a county sheriff, a chief of a municipal
police department, 2 officers of municipal police departments, an
educator, a representative from a 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 who have no affiliation with law enforcement, a
municipal officer and one nonsupervisory corrections officer
representing a state or county correctional facility.

40 **Sec. 3. 25 MRSA §2803-A, sub-§§1 and 6**, as enacted by PL 1989,
42 c. 521, §§4 and 17, are amended to read:

44 **1. Training and certification of all law enforcement**
46 **officers in State.** In accordance with this chapter, to establish
joint training and certification standards for all law
48 enforcement officers. Certification shall must be based on the
officer's demonstration of having acquired specific knowledge and
skills directly related to job performance;

2 **6. Training and certification of State Police enlisted**
3 **personnel.** ~~With the approval of the Chief of the State Police,~~
4 ~~to~~ To establish core curriculum training requirements for
5 enlisted personnel of the State Police for graduation from the
6 academy. The board shall certify State Police enlisted personnel
7 who meet the core curriculum training requirements.

8 **Sec. 4. 25 MRSA §2804-C, sub-§§1 and 2,** as enacted by PL 1989,
9 c. 521, §§5 and 17, are amended to read:

10
11 **1. Required.** As a condition to the continued employment of
12 any person, as a full-time law enforcement officer by a
13 municipality, a county, the State or other nonfederal employer,
14 that person must successfully complete, within the first 12
15 months of employment, a basic training course approved by the
16 board. The employment probationary period of a law enforcement
17 officer may not begin until that officer successfully completes
18 the academy program. The board, under extenuating and emergency
19 circumstances in individual cases, may extend that period for not
20 more than 90 days. In addition, the board may waive in
21 individual cases the basic training requirement when the facts
22 indicate that an equivalent course has been successfully
23 completed. This section does not apply to any person employed as
24 a full-time law enforcement officer by a municipality on
25 September 23, 1971, or by a county on July 1, 1972.

26
27 **2. Core curriculum requirements.** The board shall establish
28 core curriculum requirements which that must be satisfied by each
29 law enforcement officer within 12 months of assuming law
30 enforcement duties including the power to make arrests or the
31 authority to carry a firearm in the course of duty. The board
32 shall base the core curriculum requirements on the necessary
33 knowledge, training and skills common to all law enforcement
34 officers in this State. In establishing the requirements, the
35 board shall cooperate with the State and local departments and
36 agencies to which the preservice requirements apply to ensure
37 that the standards are appropriate. The academy shall adopt the
38 community policing model in its training program.

39
40 **Sec. 5. 25 MRSA §2804-E, sub-§2,** as enacted by PL 1989, c.
41 521, §§5 and 17, is amended to read:

42
43 **2. Role of board.** The board shall establish in-service
44 training requirements, coordinate delivery of in-service training
45 with post-secondary schools and other institutions and law
46 enforcement agencies and administer in-service training
47 programs. The in-service training requirements shall must
48 include information on new laws and court decisions and on new
49 enforcement practices demonstrated to reduce crime or increase
50 officer safety. The board shall consider and encourage the use

2 of telecommunications technology in the development and delivery
3 of in-service training programs. In establishing the
4 requirements, the board shall cooperate with the State state and
5 local departments and agencies to which the in-service
6 requirements apply to ensure that the standards are appropriate.
All in-service training must be certified by the board.

8 **Sec. 6. 25 MRSA §2806, sub-§1, ¶B,** as repealed and replaced by
9 PL 1991, c. 790, §1, is amended to read:

10 B. May suspend or revoke the certificate issued pursuant to
11 former section 2803, 2805 or 2805-A or section 2803-A,
12 2804-B, 2804-C or 2804-D of any person who:

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

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

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

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

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

33 (6) Has used deadly force that results in a death; and

42 **STATEMENT OF FACT**

43 This bill makes the following changes to the laws governing
44 the training and certification of law enforcement officers.

45 1. The bill specifies that the balance remaining in the
46 Government Operations Surcharge Fund must be transferred monthly
47 to a dedicated account within the budget of the Maine Criminal
48 50

Justice Academy for local, county and state law enforcement officer training.

2
4 2. The bill increases from 15 to 17 the number of members of the board of trustees of the Maine Criminal Justice Academy.

6
8 3. The bill eliminates the requirement that the Chief of the State Police approve the core curriculum training requirements established by the board of trustees.

10
12 4. The bill specifies that the employment probationary period of a law enforcement officer may not begin until that officer successfully completes the academy program.

14
16 5. The bill requires the academy to adopt the community policing model in its training program.

18 6. The bill requires that all in-service training be certified by the board.

20
22 7. The bill permits the board to suspend or revoke the certificate of any person who has used deadly force that results in a death.