MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 801

H.P. 591

House of Representatives, March 14, 1995

An Act to Clarify the Licensing Authority of the Board of Trustees of the Maine Criminal Justice Academy.

Submitted by the Department of Public Safety pursuant to Joint Rule 24. Reference to the Committee on Criminal Justice suggested and ordered printed.

OSEPH W. MAYO, Clerk

Presented by Representative CLUKEY of Houlton.

Cosponsored by Representatives: LINDAHL of Northport, WHEELER of Bridgewater,

Senator: HALL of Piscataquis.

Be it enacted by the People of the State of Maine as follow	Be i	it	enacted	by	the	Peop	ole o	f the	State	of	Maine	as	follow	vs:
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- Sec. 1. 5 MRSA §5301, sub-§2, ¶E, as amended by PL 1993, c. 600, Pt. B, §§20 to 22, is further amended to read:
- Convictions for which incarceration for less than one year may be imposed and which that involve sexual misconduct 8 by an applicant or licensee of the Board of Licensure in Medicine, the Board of Osteopathic Licensure, the Board of 10 Examiners, the State Board of Examiners Psychologists, the State Board of Social Worker Licensure, 12 the Board of Chiropractic Licensure, the State Board of Examiners in Physical Therapy, the Board of Trustees of the 14 Maine Criminal Justice Academy and the State Board of Nursing.

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- Sec. 2. 5 MRSA §5303, sub-§2, as amended by PL 1993, c. 600, Pt. B, §§20 to 22, is further amended to read:
 - 2. Ten-year limits. For applicants to and licensees and registrants of the Board of Licensure in Medicine, the Board of Osteopathic Licensure, the Board of Dental Examiners, the State Board of Examiners of Psychologists, the State Board of Social Worker Licensure, the State Board of Nursing, the Board of Chiropractic Licensure, the Board of Trustees of the Maine Criminal Justice Academy and the State Board of Examiners in Physical Therapy, the following shall apply.

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- A. The procedures outlined in sections 5301 and 5302 for the consideration of prior criminal conviction as an element of fitness to practice a licensed profession, trade or occupation shall apply within 10 years of the applicant's or licensee's final discharge, if any, from the correctional system.
- B. Beyond the 10-year period, ex-offender applicants or licensees with no additional convictions shall must be considered in the same manner as applicants or licensees possessing no prior criminal record for the purposes of licensing decisions.
 - C. There is no time limitation for consideration of a registrant's, an applicant's or licensee's conduct which that gave rise to the criminal conviction if that conduct is otherwise a ground for disciplinary action.

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Sec. 3. 25 MRSA §2807, as repealed and replaced by PL 1985, c. 506, Pt. A, §49, is amended to read:

§2807. Reports of conviction or misconduct by law enforcement and corrections officers

In the event that a law enforcement or corrections officer has resigned—from—or—been—dismissed—from—his—position—in—a municipality—or—county—for—having—been—convicted—of—a—Class—A—Class—B—Class—G—or—Class—D—erime,—the—municipal—officers—or their—designee—or—the—county—commissioners—or—their—designee—been convicted of a crime or violation or engaged in conduct that could result in suspension or revocation of the officer's certificate pursuant to section 2806 and the chief administrative officer of the agency employing the officer has knowledge of the conviction or conduct, then the chief administrative officer shall expeditiously notify the Director of the Maine Criminal Justice Academy with the name of the convicted law enforcement or corrections officer,—the—class—of—orime—committed,—the—date—the effense—was—eemmitted and a brief description of the crime conviction or conduct.

For-the-purpose-of-this-section,--law-enforcement-officer means-a-full-time-or-part-time-police-officer,-special-police officer,-constable,-sheriff-or-deputy-sheriff.

The-Director-of-the-Maine-Criminal-Justice-Academy-shall maintain-a-list-of-all-the-persons-reported-under-this-section which-shall-be-made-available-to-any-municipality-or-county-or-to the-State-for-the-purpose-of-hiring-law-enforcement-officers.

STATEMENT OF FACT

This bill amends the general licensing board statue in the Maine Revised Statutes, Title 5 by adding the Board of Trustees of the Maine Criminal Justice Academy to the list of licensing boards that may consider convictions for misdemeanors involving sexual misconduct in connection with an application for certification by a law enforcement or corrections officer.

The bill allows the Board of Trustees to consider that type of conviction if it occurred within 10 years prior to the application for certification.

The bill amends the present law that requires municipalities and counties to report law enforcement officers who resign or are dismissed as a result of a conviction for crime to the Director of the Maine Criminal Justice Academy. The bill requires the chief administrative officer of an employing agency to report a conviction or conduct that could result in suspension or revocation of a law enforcement or corrections officer's

- certificate. The requirement that the director keep a list of law enforcement officers convicted of crimes is removed because that information is available through the State Bureau of
- 4 Identification.