

MAINE STATE LEGISLATURE

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CRIMINAL JUSTICE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 938, L.D. 1285, Bill, "An Act to Define the Permissible Duties of Part-time and Full-time Law Enforcement Officers"

Amend the bill in section 1 in subsection 2-A in the last line (page 1, line 16 in L.D.) by inserting after the following: "2001" the following: 'or when the funding for the operation of the Judicial Department's computer system lapses, whichever occurs first'

Further amend the bill in section 2 in subsection 1 by striking out all of the last blocked paragraph (page 1, lines 49 and 50 and page 2, lines 1 to 4 in L.D.) and inserting in its place the following:

'No later than January 1, 1998, the board shall adopt rules identifying the permissible duties of part-time law enforcement officers who have completed the training courses described in section 2804-B. The rules adopted are major substantive rules for the purposes of Title 5, chapter 375, subchapter II-A and must be implemented by December 31, 1998.'

Further amend the bill in section 3 in subsection 1 in the last 3 lines (page 2, lines 13 to 15 in L.D.) by striking out the following: 'and unless that person serves under the direct supervision of an officer who has completed and maintains the training required by section 2804-C'

Further amend the bill in section 3 in subsection 3 in the last 2 lines (page 2, lines 21 and 22 in L.D.) by striking out the following: "additional certification as required by this

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chapter and 12 hours of recertification training each year" and inserting in its place the following: '~~additional-certification as-required-by-this-chapter~~ annual recertification training as prescribed by the board'

Further amend the bill in section 4 in subsection 1 in the 8th and 9th lines (page 2, lines 34 and 35 in L.D.) by striking out the following: "30 hours of recertification training each year" and inserting in its place the following: 'the recertification requirements prescribed by the board'

Further amend the bill striking out all of sections 5 and 6 and inserting in their place the following:

Sec. 5. 25 MRSA §2804-E, sub-§1, as amended by PL 1993, c. 744, §7, is further amended to read:

1. Required. As a condition to the continued employment of a person as a law enforcement officer with the power to make arrests or the authority to carry a firearm in the course of duty by a municipality, county, the State or other nonfederal employer, that person must successfully complete ~~a minimum number of hours of~~ in-service ~~recertification~~ training as prescribed by the board.

Sec. 6. 25 MRSA §2806, sub-§1, ¶A, as amended by PL 1989, c. 521, §§9 and 17, is repealed and the following enacted in its place:

A. Shall, no later than March 1st of every year, beginning in 1999, review the certification of all law enforcement and corrections officers and decertify those individuals who do not meet certification or recertification requirements;

Sec. 7. Part-time law enforcement officer. The Board of Trustees of the Maine Criminal Justice Academy shall submit legislation to the Second Regular Session of the 118th Legislature by January 1, 1998 to add a definition of the term "part-time law enforcement officer" to the Maine Revised Statutes, Title 25, section 2801-A.

Sec. 8. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1997-98	1998-99
PUBLIC SAFETY, DEPARTMENT OF		
Maine Criminal Justice Academy		

2	Positions - Legislative Count	(2.0)	(2.0)
	Personal Services	\$61,690	\$83,253
4	All Other	11,250	15,000

6 Provides funds for a
 7 Certification Officer
 8 position and a Clerk Typist
 9 II position to design and
 10 implement training and
 11 recertification programs for
 12 law enforcement officers.

14	DEPARTMENT OF PUBLIC SAFETY		
15	TOTAL	<u>\$72,940</u>	<u>\$98,253</u>

16 Further amend the bill by relettering or renumbering any
 17 nonconsecutive Part letter or section number to read
 18 consecutively.

19 Further amend the bill by inserting at the end before the
 20 summary the following:

21 **FISCAL NOTE**

22		1997-98	1998-99
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23 **APPROPRIATIONS/ALLOCATIONS**

24	General Fund	\$72,940	\$98,253
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25 The Department of Public Safety will require additional
 26 General Fund appropriations of \$72,940 and \$98,253 in fiscal
 27 years 1997-98 and 1998-99, respectively, for a Certification
 28 Officer position and a Clerk Typist II position to design and
 29 implement law enforcement training and recertification programs.

30 This bill will also increase Other Special Revenue by
 31 approximately \$200,000 in fiscal year 2000-01 and \$400,000 in
 32 fiscal year 2001-02 from a 2% surcharge on fines, forfeitures,
 33 and penalties. The additional dedicated revenue will be paid to
 34 the Maine Criminal Justice Academy to fund training and
 35 recertification programs for law enforcement officers.'

36 **SUMMARY**

37 This amendment requires the Board of Trustees of the Maine
 38 Criminal Justice Academy to define the term "part-time law
 39 enforcement officer" and adopt rules identifying the permissible
 40 enforcement officer" and adopt rules identifying the permissible
 41 enforcement officer" and adopt rules identifying the permissible
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2 duties of those officers no later than March 1, 1998. The rules
must be implemented no later than December 31, 1998.

4 This amendment further amends the Maine Revised Statutes,
6 Title 25, section 2804-B to require a person covered by that
section annually to complete specified recertification training.
8 An officer who has completed the basic course described in Title
25, section 2804-C must complete board-specified recertification
training each year.

10 This amendment also requires the board to review the
12 certification of all law enforcement and corrections officers on
March 1st of every year, beginning in 1999. The board must
14 decertify those individuals who, upon review, do not meet
certification or recertification requirements.

16 The amendment specifies that the provision regarding the
18 additional percentage of the Government Operations Surcharge Fund
to be paid to the Maine Criminal Justice Academy takes effect
20 January 1, 2001, or when the funding for the operation of the
22 Judicial Department's computer system lapses, whichever occurs
first.

24 The amendment adds an appropriation section and a fiscal
note to the bill.

COMMITTEE AMENDMENT