

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

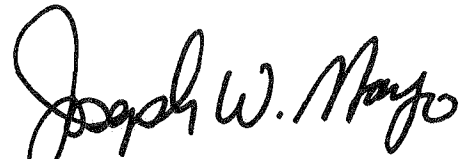
No. 1285

H.P. 938

House of Representatives, February 27, 1997

An Act to Define the Permissible Duties of Part-time and Full-time Law Enforcement Officers.

Reference to the Committee on Criminal Justice suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative BUNKER of Kossuth Township.
Cosponsored by Representatives: PAUL of Sanford, WHEELER of Bridgewater.

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

2
3 **Sec. 1. 4 MRSA §1057, sub-§2-A**, as enacted by PL 1995, c. 668,
4 §1, is amended to read:

6 **2-A. Surcharge imposed.** A surcharge of ~~10%~~ 12% must be
7 added to every fine, forfeiture or penalty imposed by any court
8 in this State, which, for the purposes of collection and
9 collection procedures, is considered a part of the fine,
10 forfeiture or penalty. All funds collected as a result of this
11 surcharge must be deposited monthly in the Government Operations
12 Surcharge Fund. One-sixth of the surcharge collected must be
13 paid to the Maine Criminal Justice Academy to supplement current
14 funds for training and recertification of part-time and full-time
15 law enforcement officers. This subsection takes effect January
16 1, 2001.

18 **Sec. 2. 25 MRSA §2803-A, sub-§1**, as amended by PL 1993, c.
19 744, §2, is further amended to read:

20 **1. Training and certification of all law enforcement**
21 **officers in State.** In accordance with this chapter, to establish
22 training and certification standards for all law enforcement
23 officers, set requirements for board-approved courses, prescribe
24 curriculum and certify both graduates of board-approved courses
25 and persons for whom the board has waived the training
26 requirements of this chapter. Certification must be based on the
27 officer's demonstration of having acquired specific knowledge and
28 skills directly related to job performance.

29
30 No later than March 1, 1995, the board shall design joint
31 training and certification standards combining into a single
32 basic training course the present State Police course and the
33 basic municipal and county course. The joint training course
34 must equal or exceed any curriculum training requirements of the
35 State Police effective on December 31, 1994. The board shall
36 report its recommendations and the necessary implementing
37 legislation for a basic training course to the Legislature by
38 April 1, 1995. The Legislature must approve the associated costs
39 of the joint training course before it may be implemented.
40

41 Until joint training and certification standards are implemented
42 pursuant to this subsection, the Chief of the State Police shall
43 approve the basic training requirements for enlisted personnel of
44 the State Police for graduation from the academy. The board
45 shall certify State Police enlisted personnel who meet the
46 approved basic training requirements.

47
48 No later than March 1, 1998, the board shall adopt rules defining
49 the permissible duties of part-time and full-time law enforcement

2 officers who have completed the training courses described in
3 sections 2804-B, 2804-C and 2804-H. The rules adopted are major
4 substantive rules for the purposes of Title 5, chapter 375,
5 subchapter II-A;

6 **Sec. 3. 25 MRSA §2804-B, sub-§§1 and 3,** as enacted by PL 1989,
7 c. 521, §§5 and 17, are amended to read:

8
9 **1. Required.** A person shall may not serve as a law
10 enforcement officer with the power to make arrests or the
11 authority to carry a firearm in the course of duty until
12 certified by the board as satisfying all preservice training
13 requirements and unless that person serves under the direct
14 supervision of an officer who has completed and maintains the
15 training required by section 2804-C.

16
17 **3. Certification.** The board shall certify each person who
18 meets the preservice training standards as eligible to serve as a
19 law enforcement officer with the power to make arrests and the
20 authority to carry a firearm in the course of duty, subject to
21 additional certification as required by this chapter and 12 hours
22 of recertification training each year.

23 **Sec. 4. 25 MRSA §2804-C, sub-§1,** as amended by PL 1993, c.
24 744, §6, is further amended to read:

25
26 **1. Required.** As a condition to the continued employment of
27 any person as a full-time law enforcement officer by a
28 municipality, a county, the State or any other nonfederal
29 employer, that person must successfully complete, within the
30 first 12 months of employment, a basic training course approved
31 by the board. Thereafter, as a condition of continued employment
32 as a full-time law enforcement officer, the officer must
33 satisfactorily maintain the basic certification by completing 30
34 hours of recertification training each year. The board, under
35 extenuating and emergency circumstances in individual cases, may
36 extend that period for not more than 90 days. The board also, in
37 individual cases, may waive the basic training requirement when
38 the facts indicate that an equivalent course has been
39 successfully completed. This section does not apply to any
40 person employed as a full-time law enforcement officer by a
41 municipality on September 23, 1971 or by a county on July 1, 1972.

42
43 **Sec. 5. 25 MRSA §2804-H** is enacted to read:

44 **§2804-H. Intermediate-level training course**

45
46 No later than March 1, 1998, the board shall by rule design
47 and implement an intermediate law enforcement officer training
48 course and recertification program that will allow an officer who
49 has completed the course and maintains annual certification
50

2 requirements to carry out that officer's duties independent of
3 direct supervision. For a law enforcement officer with the
4 intermediate level of certification, the board shall require 24
5 hours of recertification training annually. The rules adopted
6 under this section are major substantive rules for purposes of
7 Title 5, chapter 375, subchapter II-A.

8 **Sec. 6. 25 MRSA §2806, sub-§1, ¶A,** as amended by PL 1989, c.
9 521, §§9 and 17, is further amended to read:

10 A. May Shall, no later than March 1, 2000, review the
11 certification of all law enforcement and corrections
12 officers and suspend the right to enforce the criminal laws
13 of the State or to act as a corrections officer of any
14 person found in violation of section 2804-B, 2804-C or,
15 2804-D, 2804-E or 2804-H;

18 SUMMARY

19
20 This bill requires the Board of Trustees of the Maine
21 Criminal Justice Academy to design and implement by rule, no
22 later than March 1, 1998, an intermediate law enforcement officer
23 training course and recertification program. The intermediate
24 course adds a level of certification between those levels
25 described in the Maine Revised Statutes, Title 25, sections
26 2804-B and 2804-C and allows an officer who has completed that
27 course to work independently. Intermediate-level officers must
28 complete 24 hours of recertification training annually.

29
30 This bill further amends Title 25, section 2804-B to require
31 a person covered by that section to complete 12 hours of
32 recertification training annually and work under the direct
33 supervision of a law enforcement officer who has completed the
34 basic law enforcement training requirement of Title 25, section
35 2804-C. An officer who has completed the basic course described
36 in Title 25, section 2804-C must complete 30 hours of
37 recertification training each year.

38
39 The bill further requires the board, no later than March 1,
40 1998, to define the permissible duties of the 3 levels of law
41 enforcement officers governed by Title 25, sections 2804-B,
42 2804-C and 2804-H and to submit these definitions to the Joint
43 Standing Committee on Criminal Justice, along with the necessary
44 implementing legislation.

45
46 This bill also requires the board, no later than March 1,
47 2000, to review the certification of all law enforcement and
48 corrections officers and to suspend the right to enforce the
49 criminal laws of the State or to act as a corrections officer of
50 any person found in violation of the training and recertification
51 requirements found in Title 25, section 2804-B, 2804-C, 2804-D,
52 2804-E or 2804-H.

2 This bill finally amends the Government Operations Surcharge
4 Fund provisions by adding 2% to the 10% surcharge scheduled to go
6 into effect January 1, 2001, with that 2% to be paid to the Maine
Criminal Justice Academy to fund training and recertification
programs.