

MAINE STATE LEGISLATURE

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DATE: 4-3-00

(Filing No. H-1016)

CRIMINAL JUSTICE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 404, L.D. 546, Bill, "An Act to Exempt Certain Law Enforcement Officers from the Full Course of Training at the Maine Criminal Justice Academy"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 12 MRSA §6671, sub-§8, ¶C, as amended by PL 1999, c. 255, §6 and affected by §8, is further amended to read:

C. A certified municipal shellfish conservation warden shall enforce the shellfish ordinances of the municipality employing the warden and, if the warden is authorized by the municipality and meets the training requirements of Title 25, chapter--341 section 2804-I, may arrest all violators. The warden may serve all process pertaining to the ordinance. The warden also has, within that warden's jurisdiction, the powers of a marine patrol officer provided in section 6025, subsection 4. All of the powers conferred in this subsection are limited to the enforcement of a municipal shellfish conservation ordinance.

At the commissioner's request, a certified municipal shellfish conservation warden may collect samples and otherwise assist the department in the detection of pollutants and contaminants. The commissioner is not required to conduct tests on samples not requested by the commissioner.

Sec. 2. 25 MRSA §2801-B, sub-§1, ¶B, as amended by PL 1997, c. 678, §21, is further amended to read:

COMMITTEE AMENDMENT

2 B. Agents or representatives of the Department of
Conservation, Bureau of Parks and Lands, whose law
4 enforcement powers are limited to those specified in Title
12, section 1821; or

6 **Sec. 3. 25 MRSA §2801-B, sub-§1, ¶C**, as amended by PL 1989, c.
936, §2, is further amended to read:

8
10 C. Agents or representatives of the Department of
Conservation, Bureau of Forestry, whose law enforcement
12 powers are limited to those specified by Title 12, section
8901, subsection 3.1;

14 **Sec. 4. 25 MRSA §2801-B, sub-§1, ¶¶E and F** are enacted to read:

16 E. Harbor masters; or

18 F. Municipal shellfish conservation wardens.

20 **Sec. 5. 25 MRSA §2804-I** is enacted to read:

22 **§2804-I. Law enforcement training for harbor masters and**
24 **municipal shellfish conservation wardens**

26 Harbor masters and municipal shellfish conservation wardens
28 must successfully complete the preservice law enforcement
30 training requirements in section 2804-B and the in-service law
32 enforcement training requirements in section 2804-E in order to
34 have the power to make arrests or to carry a firearm. Harbor
36 masters and municipal shellfish conservation wardens are exempt
38 from section 2804-C.

40 **Sec. 6. 38 MRSA §1**, as amended by PL 1987, c. 655, §1, is
42 further amended to read:

44 **§1. Appointment; compensation**

46 The municipal officers of a town, on request by any person
48 desiring mooring privileges or regulation of mooring privileges
for boats or vessels, shall appoint a harbor master for a term of
not less than one year, who shall be is subject to all the duties
and liabilities of that office as prescribed by state law,
municipal ordinances and regulations adopted by the municipal
officers, municipal harbor commissioners, municipal port
authorities or other such bodies empowered to regulate municipal
harbors. The municipal officers may establish the harbor
master's compensation and, for cause by them declared in writing,
after due notice to the officer and hearing, if requested, remove
the harbor master and appoint another one.

A. S.

COMMITTEE AMENDMENT "A" to H.P. 404, L.D. 546

2 The municipal officers may prohibit a harbor master from
making ~~arrest~~ arrests or carrying a weapon. A harbor master may
4 not make arrests or carry a firearm unless the harbor master has
successfully completed the training requirements prescribed in
6 Title 25, section 2804-I. Any law enforcement officer vested
with the authority to carry a weapon and make arrests has the
8 authority to enforce this subchapter.'

10

SUMMARY

12

14 This amendment replaces the bill. The amendment clarifies
that municipal shellfish conservation wardens and harbor masters
are exempt from the basic law enforcement training requirements
16 under the Maine Revised Statutes, Title 25, section 2804-C. In
addition to any other training that may be required by law,
18 municipal shellfish conservation wardens and harbor masters who
wish to make arrests or carry a firearm must successfully
20 complete only the preservice law enforcement training
requirements under Title 25, section 2804-B and the in-service
22 law enforcement training requirements under Title 25, section
2804-E. The amendment makes changes to Titles 12 and 38 so that
24 they reflect the amendments to the law enforcement training laws.