

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 903

H.P. 699

House of Representatives, February 15, 2001

An Act Concerning the Cost of Training County Corrections Officers.

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative PEAVEY of Woolwich.
Cosponsored by Senator DAVIS of Piscataquis and
Representatives: CARR of Lincoln, ETNIER of Harpswell, MUSE of South Portland, MUSE
of Fryeburg, RICHARDSON of Brunswick, Senator: SMALL of Sagadahoc.

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

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4 **Sec. 1. 25 MRSA §2808**, as amended by PL 1991, c. 581, is further amended to read:

6 **§2808. Sharing of training costs**

8 **1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

12 A. "Governmental entity" means the State or any city, town, plantation or county.

14 B. "Training" means the preservice and basic training provided to part-time or full-time law enforcement officers by the Maine Criminal Justice Academy, as described in former section 2805, subsection 1, and former section 2805-A, or sections 2804-B and 2804-C and basic corrections training, as described in section 2804-D.

22 C. The term "training costs" includes the following:

24 (1) The full cost of the salary, including fringe benefits, paid to the officer while in training;

26 (2) The full cost of the tuition charged by the Maine Criminal Justice Academy;

30 (3) The full cost of uniforms provided to the officer in training; and

32 (4) The full cost of the salary, inclusive of overtime, paid to officers previously or newly employed by the municipality governmental entity to provide police or corrections protection that would otherwise have been lost during the absence of the officer in training.

40 ~~2. **Reimbursement for training costs.** Whenever a law enforcement officer, trained at the Maine Criminal Justice Academy on or after September 1, 1983, but before September 1, 1989, while on the payroll of a particular governmental entity, is subsequently hired by another governmental entity within 3 years of the officer's graduation from the academy, the governmental entity shall reimburse the first governmental entity according to the following formula.~~

48 ~~A. If the officer is hired by the other governmental entity during the first year after graduation, that governmental entity shall reimburse the first governmental entity the full cost of the training costs.~~

2 B. ~~If the officer is hired by the other governmental entity~~
during ~~the 2nd year after graduation, that governmental~~
4 ~~entity shall reimburse the first governmental entity 2/3 of~~
~~the training costs.~~

6
8 C. ~~If the officer is hired by the other governmental entity~~
during ~~the 3rd year after graduation, that governmental~~
10 ~~entity shall reimburse the first governmental entity 1/3 of~~
~~the training costs.~~

12 D. ~~If the officer graduated more than 3 years before~~
subsequently ~~being hired by the other governmental entity,~~
14 ~~the governmental entity shall not be obligated to reimburse~~
~~the first governmental entity.~~

16
18 If the officer is subsequently hired by additional governmental
entities within 3 years of graduation from the academy, each of
20 those governmental entities shall be liable to the governmental
employer immediately preceding it for the training costs paid by
22 that governmental entity under this subsection. The extent of
financial liability shall be determined according to the formula
established by this subsection.

24
26 Reimbursement shall not be required when the trained officer
hired by a governmental entity had employment with a prior
28 governmental entity terminated at the discretion of the
governmental entity.

30 **3. Reimbursement for training costs after September 1,**
1989. Whenever When a law enforcement officer or corrections
32 officer, trained at the Maine Criminal Justice Academy on or
after September 1, 1989, while on the payroll of a particular
34 governmental entity, is subsequently hired by another
governmental entity within 5 years of graduation from the
36 academy, the governmental entity shall reimburse the first
governmental entity according to the following formula.

38
40 A. If the officer is hired by the other governmental entity
during the first year after graduation, that governmental
42 entity shall reimburse the first governmental entity the
full cost of the training costs.

44 B. If the officer is hired by the other governmental entity
during the 2nd year after graduation, that governmental
46 entity shall reimburse the first governmental entity 80% of
the training costs.

48
50 C. If the officer is hired by the other governmental entity
during the 3rd year after graduation, that governmental

2 entity shall reimburse the first governmental entity 60% of
the training costs.

4 D. If the officer is hired by the other governmental entity
during the 4th year after graduation, that governmental
6 entity shall reimburse the first governmental entity 40% of
the training costs.

8 E. If the officer is hired by the other governmental entity
10 during the 5th year after graduation, that governmental
entity shall reimburse the first governmental entity 20% of
12 the training costs.

14 F. If the officer graduated more than 5 years before
subsequently being hired by the other governmental entity,
16 that governmental entity ~~shall~~ is not be obligated to
reimburse the first governmental entity.

18 If the officer is subsequently hired by additional governmental
20 entities within 5 years of graduation from the academy, each of
those governmental entities ~~shall~~ is liable to the
22 governmental employer immediately preceding it for the training
costs paid by that governmental entity under this subsection.
24 The extent of financial liability ~~shall~~ must be determined
according to the formula established by this subsection.

26 Reimbursement ~~shall~~ is not be required when the trained officer
28 hired by a governmental entity has had employment with a prior
governmental entity terminated at the discretion of the
30 governmental entity.

32 **Sec. 2. Retroactivity.** This Act applies retroactively to
September 1, 1989.

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SUMMARY

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Current law allows law enforcement agencies to recoup from
another law enforcement agency the cost of training a law
40 enforcement officer at the Maine Criminal Justice Academy, when
that other agency hires the officer within 5 years of the
42 officer's graduation from the academy. This bill expands upon
the present law by allowing a county sheriff to recoup from
44 another agency the cost of training a corrections officer when
the other agency hires the officer within 5 years of the
46 officer's graduation from the academy.