

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to S.P. 635, L.D. 1815, Bill, "An Act Regarding the Training Requirements for Certain Employees of the Department of Public Safety"

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

'Sec. 1. 25 MRSA §2801-B, sub-§1, as amended by PL 1999, c. 682, §§2 to 4, is further amended to read:

1. **Exemption.** The training standards and requirements of this chapter do not apply to ~~the persons~~ a person defined by this chapter as a law enforcement officers officer who are is:

A. ~~Employees~~ An employee of the Department of Corrections with a duty to perform probation functions or to perform intensive supervision functions;

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

C. ~~Agents~~ An agent or ~~representatives~~ representative of the Department of Conservation, Bureau of Forestry, whose law enforcement powers are limited to those specified by Title 12, section 8901, subsection 3;

E. ~~Harbor-masters~~ A harbor master; ~~-or~~

- 2 F. Municipal A municipal shellfish conservation wardens-
3 warden;
- 4
- 5 G. The State Fire Marshal;
- 6
- 7 H. The Chief of the Bureau of Liquor Enforcement in the
8 Department of Public Safety; or
- 9
- 10 I. The Director of Capitol Security or a security officer
11 within the Department of Public Safety hired before July 15,
12 2003 whose law enforcement powers are limited to those
13 specified by section 2908. The Director of Capitol Security
14 or a security officer hired on or after July 15, 2003 is not
15 exempt from the training requirements of this chapter and
16 must have successfully completed the full-time law
17 enforcement officer training requirements of this chapter at
18 the time the person is hired or within the first 12 months
19 of employment. The Director of Capitol Security or a
20 security officer hired before July 15, 2003 may choose to
21 attend the full-time law enforcement officer training course
22 before July 15, 2005 and the Department of Public Safety
23 shall pay for that training.

24 **Sec. 2. 25 MRSA §2908**, as repealed and replaced by PL 1989,
25 c. 857, §59, is repealed and the following enacted in its place:

26 **§2908. Special officers; powers and duties; cooperation**

27

28 **1. Basic powers and duties.** The Commissioner of Public
29 Safety may appoint and employ the Director of Capitol Security
30 and other security officers, subject to the Civil Service Law.
31 The Director of Capitol Security shall supervise the security
32 officers. The specific duties and powers of the security
33 officers appointed and employed are to patrol the public ways and
34 parking areas; to provide security for all parks, grounds,
35 buildings and appurtenances maintained by the State in the
36 capitol area and other state-controlled locations designated by
37 the commissioner; and to enforce the rules promulgated pursuant
38 to sections 2904 to 2907. The Director of Capitol Security and
39 other security officers may issue summonses in the course of
40 their enforcement duties. The commissioner shall provide forms
41 and standard operating procedures to the Director of Capitol
42 Security and other security officers to carry out their functions
43 under this section.

44

45 **2. Additional powers and duties authorized by rule or**
46 **policy.** Notwithstanding subsection 1, the commissioner may by
47 rule or policy:

48

49

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2 A. Expand the duties and powers of the Director of Capitol
4 Security and other security officers hired before July 15,
6 2003 in the capitol area and other state-controlled
8 locations designated by the commissioner beyond the duties
and powers set out in subsection 1 to investigate,
prosecute, serve process on or arrest violators of Class D
or Class E crimes; and

10 B. Expand the duties and powers of the Director of Capitol
12 Security and other security officers hired on or after July
14 15, 2003 and of the Director of Capitol Security and other
16 security officers hired before July 15, 2003 who
18 successfully complete the full-time law enforcement officer
training requirements beyond the duties and powers set out
in subsection 1 and paragraph A to include the same
enforcement powers of a sheriff or a sheriff's deputy in the
sheriff's county as to any crime.

20 3. Cooperation. The State Police, sheriffs, deputy
22 sheriffs, constables and municipal police officers shall, as far
24 as possible, cooperate with the security officers appointed and
employed under this section in the enforcement of rules adopted
pursuant to sections 2904 to 2907 and any law of this State.

26 **Sec. 3. 25 MRSA §2910**, as amended by PL 1991, c. 665, §3, is
repealed and the following enacted in its place:

28 **§2910. Violations**

30 A person that violates a rule made pursuant to sections 2904
32 to 2907 commits a civil violation for which a forfeiture not to
exceed \$250 may be adjudged.

34 **Sec. 4. Director of Capitol Security hired after June 1, 2001.**
36 Notwithstanding the Maine Revised Statutes, Title 25, section
38 2801-B, subsection 1, paragraph I, the Director of Capitol
Security employed in that position on June 1, 2001 is not subject
to the training standards and requirements of Title 25, chapter
341.

40 **Sec. 5. Implementation; funding.** Beginning in fiscal year
42 2003-04, the Department of Public Safety shall implement the
requirements imposed by this Act within existing resources.'

44
46 **FISCAL NOTE**

48 The requirement that the Bureau of Capitol Security within

the Department of Public Safety must absorb, within available resources, the future costs of reclassifications for certain employees will result in the bureau not being able to accomplish a significant amount of previously mandated responsibilities.

The Bureau of Capitol Security will incur some minor additional costs to cover the costs of training certain employees at the Maine Criminal Justice Academy. These costs can be absorbed within the bureau's existing budgeted resources.

The collection of additional fines may increase General Fund revenue collected by the Judicial Department by minor amounts.

SUMMARY

This amendment replaces the bill. The amendment exempts from the full-time law enforcement officer training requirements the State Fire Marshal and the Department of Public Safety's Chief of the Bureau of Liquor Enforcement. The amendment also exempts from the full-time law enforcement officer training requirements capital security officers who are hired before July 15, 2003 and the Director of Capital Security employed in that position on June 1, 2001. A director or security officer hired before July 15, 2003 may choose to attend the full-time law enforcement officer training course before July 15, 2005. The Department of Public Safety shall pay for that training. The amendment changes the penalty for a violation of any rules adopted by the Commissioner of Public Safety from \$50 to not more than \$250 and conforms the language to drafting standards.

This amendment also requires the Department of Public Safety to implement the requirements within existing resources.

SPONSORED BY: (Representative Quint)

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