

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 864

H.P. 653

House of Representatives, February 23, 2007

An Act To Protect Local Police Departments

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative ANNIS of Dover-Foxcroft.
Cosponsored by Senator SMITH of Piscataquis and
Representatives: DUCHESNE of Hudson, HAMPER of Oxford, LEWIN of Eliot,
McDONOUGH of Scarborough, MIRAMANT of Camden, RICHARDSON of Carmel,
RICHARDSON of Greenville, THOMAS of Ripley.

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

2 **Sec. 1. 25 MRSA §2804-C**, as amended by PL 2005, c. 684, §1, is further
3 amended to read:

4 **§2804-C. Basic law enforcement training; core curriculum requirements; one-year**
5 **employment contract**

6 **1. Required.** As a condition to the continued employment of any person as a full-
7 time law enforcement officer by a municipality, a county, the State or any other
8 nonfederal employer, that person must successfully complete, within the first 12 months
9 of initial employment, the basic training course at the Maine Criminal Justice Academy
10 approved by the board. If a person's failure to comply with this requirement was a result
11 of that person's failure to satisfy any of the admission standards applicable to the basic
12 training course and that person is subsequently employed as a full-time law enforcement
13 officer within 12 months of termination of the initial employment by a municipality, a
14 county, the State or any other nonfederal employer, the person must have satisfied all the
15 admission standards to the satisfaction of the board at the time of hire. As a condition of
16 continued employment as a full-time law enforcement officer, the officer must
17 satisfactorily maintain the basic certification by completing the recertification
18 requirements prescribed by the board. The board, under extenuating and emergency
19 circumstances in individual cases, may extend the 12-month period for not more than 180
20 days. The board also, in individual cases, may waive the basic training requirement when
21 the facts indicate that an equivalent course has been successfully completed. This section
22 does not apply to any person employed as a full-time law enforcement officer by a
23 municipality on September 23, 1971 or by a county on July 1, 1972.

24 **2-A. Probationary employment period; one-year employment contract.** Upon
25 being hired, a law enforcement officer shall complete an employment probationary period
26 that lasts for at least one year after graduation from the academy or the date the board
27 waives the basic training requirement. Upon successful completion of basic training or
28 board waiver of the basic training requirement, a law enforcement officer shall contract to
29 perform at least one year of employment with the municipality, county, State or other
30 nonfederal employer that first hired the law enforcement officer.

31 **2-B. Training regarding people who are homeless.** The board shall include in the
32 basic law enforcement training program a block of instruction aimed specifically at
33 reducing barriers to reporting crimes against people who are homeless and dealing with
34 the unique challenges posed by cases that involve victims or witnesses who are homeless.

35 **2-C. Receipt of firearms; training; procedure; liability.** Beginning January 1,
36 2008, the Maine Criminal Justice Academy shall provide training for municipal, county
37 and state law enforcement officers regarding the proper handling, storage, safekeeping
38 and return of firearms and firearm accessories received pursuant to a court order under
39 Title 19-A, section 4006, subsection 2-A or Title 19-A, section 4007, subsection 1,
40 paragraph A-1. Such training must include education concerning the prohibitions on the
41 purchase or possession of a firearm when a protection order has been obtained and
42 communication with parties to protection orders concerning such prohibitions.

1 In developing materials for training in domestic violence issues, the Maine Criminal
2 Justice Academy may consult with a statewide organization involved in advocacy for
3 victims of domestic violence and with an organization having statewide membership
4 representing the interests of firearms owners.

5 A law enforcement officer who receives custody of a firearm pursuant to Title 19-A,
6 section 4006, subsection 2-A or Title 19-A, section 4007, subsection 1, paragraph A-1
7 shall exercise reasonable care to avoid loss, damage or reduction in value of the firearm
8 and may not permanently mark the firearm or fire the firearm unless there is reasonable
9 suspicion that the firearm has been used in the commission of a crime. Any liability for
10 damage or reduction in value to such a firearm is governed by Title 14, chapter 741.

11 **3. Certification.** The board shall certify each law enforcement officer who meets
12 the core curriculum training requirements.

13 **4. Courses.** The board shall:

14 A. Provide a training course, the successful completion of which meets the basic
15 training requirements;

16 B. Provide a structured residential program that balances the goals of professional
17 policing with public services emphasis; and

18 C. Incorporate a community policing philosophy in its training program.

19 **5. Application to currently certified law enforcement officers.** This section does
20 not apply to any law enforcement officer certified as meeting the law enforcement
21 training requirements or to any full-time law enforcement officer employed by a state
22 agency, including the University of Maine System, as of July 1, 1990.

23 **SUMMARY**

24 This bill requires each law enforcement officer, upon completion of the officer's
25 basic training requirement, to contract to perform at least one year of employment with
26 the municipality, county, State or other nonfederal employer that first hired the law
27 enforcement officer.