

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

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Legislative Document

No. 915

H.P. 633

House of Representatives, March 9, 2009

**An Act To Update and Clarify Statutes Related to or Administered
by the Department of Public Safety**

Submitted by the Department of Public Safety pursuant to Joint Rule 204.
Reference to the Committee on Criminal Justice and Public Safety suggested and ordered
printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND

Clerk

Presented by Representative HASKELL of Portland.

Cosponsored by Representative: SYKES of Harrison, Senator: GERZOFKY of Cumberland.

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

2 **PART A**

3 **Sec. A-1. 5 MRSA §948, sub-§1**, as amended by PL 2003, c. 20, Pt. R, §§5 and
4 6, is further amended to read:

5 **1. Major policy-influencing positions.** The following positions are major policy-
6 influencing positions within the Department of Public Safety. Notwithstanding any other
7 provision of law, these positions and their successor positions ~~shall be~~ are subject to this
8 chapter:

- 9 A. Chief, Bureau of State Police;
- 10 C. Director, Office of State Fire Marshal;
- 11 D. Director, Maine Criminal Justice Academy;
- 12 E. Assistant to the Commissioner for Public Information;
- 13 G. ~~Two Deputy Chiefs~~ Chief, Bureau of State Police;
- 14 H. Director, Bureau of Highway Safety;
- 15 I. Director, Maine Drug Enforcement Agency;
- 16 ~~J.—Assistant Director, Maine Drug Enforcement Agency;~~
- 17 K. Two majors, Bureau of State Police; ~~and~~
- 18 L. Director, Maine Emergency Medical Services.;
- 19 M. Director, Bureau of Consolidated Emergency Communications; and
- 20 N. Director, Bureau of Building Codes and Standards.

21 **PART B**

22 **Sec. B-1. 23 MRSA §6072, sub-§1, ¶A**, as amended by PL 2003, c. 199, §1, is
23 further amended to read:

- 24 A. Has met all the education and training requirements as outlined under former
25 Title 25, section 2805, first paragraph or Title 25, ~~sections~~ section 2804-B ~~and or~~
26 2804-C;

27 **PART C**

28 **Sec. C-1. 25 MRSA §1533**, as enacted by PL 2003, c. 678, §2, is repealed and the
29 following enacted in its place:

30 **§1533. Bureau of Consolidated Emergency Communications**

31 The Bureau of Consolidated Emergency Communications, referred to in this chapter
32 as "the bureau," is established within the department for the provision of emergency

1 dispatch and E-9-1-1 call-taking services to municipal, county and state government
2 entities.

3 1. Coordination with the Public Utilities Commission. In accordance with a
4 designation made by the Public Utilities Commission, the department shall provide E-9-
5 1-1 call-taking services.

6 2. Director; duties. The Commissioner of Public Safety shall hire a Director of the
7 Bureau of Consolidated Emergency Communications, referred to in this chapter as "the
8 director." The director shall carry out policies and procedures established by the board.
9 The director shall administer the bureau to safeguard the public safety by the provision of
10 24-hour per day E-9-1-1 call-taking and dispatching services to first responders.

11 **PART D**

12 **Sec. D-1. 25 MRSA §2801-B, sub-§1, ¶H,** as amended by PL 2005, c. 139, §1
13 and c. 331, §6, is further amended to read:

14 H. The State Fire Marshal or Assistant State Fire Marshal;

15 **PART E**

16 **Sec. E-1. 25 MRSA §2901,** as amended by PL 2003, c. 451, Pt. T, §4, is further
17 amended to read:

18 **§2901. Department; commissioner**

19 There is created and established the Department of Public Safety to coordinate and
20 efficiently manage the law enforcement and public safety responsibilities of the State, to
21 consist of the Commissioner of Public Safety, in this chapter called "commissioner," who
22 is appointed by the Governor, subject to review by the joint standing committee of the
23 Legislature having jurisdiction over criminal justice matters and to confirmation by the
24 Legislature, to serve at the pleasure of the Governor, and the following: the Bureau of
25 State Police, the Office of the State Fire Marshal, the Maine Criminal Justice Academy,
26 the Bureau of Highway Safety ~~and~~, the Maine Drug Enforcement Agency, Maine
27 Emergency Medical Services, the Bureau of Capitol Security, the Bureau of Consolidated
28 Emergency Communications, the Bureau of Building Codes and Standards and the
29 Gambling Control Unit.

30 **Sec. E-2. 25 MRSA §2901-A,** as enacted by PL 1975, c. 579, §11, is amended to
31 read:

32 **§2901-A. Duties of commissioner**

33 The commissioner ~~shall be~~ is the chief executive officer of the Department of Public
34 Safety. ~~He~~ and shall coordinate and supervise the activities and programs of the bureaus
35 and agency ~~which~~ that are part of the department; undertake comprehensive planning and
36 analysis with respect to the functions and responsibilities of the department; ~~and~~ develop
37 and implement, whenever necessary, procedures and practices to promote economy and
38 coordination within the department; and actively seek cooperation between the

1 department and all other law enforcement officers and agencies in the State. From time to
2 time, ~~he~~ the commissioner shall recommend to the Governor and Legislature such
3 changes in the laws relating to the organization, functions, services or procedures of the
4 agency and bureaus of the department as ~~he shall deem~~ the commissioner considers
5 desirable. The commissioner shall prepare a budget for the department.

6 **Sec. E-3. 25 MRSA §2902, sub-§7**, as amended by PL 2001, c. 559, Pt. KK, §4,
7 is further amended to read:

8 **7. Bureau of Highway Safety.** The Bureau of Highway Safety, which is under the
9 direction of the Director of the Bureau of Highway Safety. The bureau is responsible for
10 the State's highway safety program. The bureau is authorized to develop and implement a
11 process for obtaining information about highway safety programs administered by other
12 state and local agencies and to provide and facilitate the provision of financial and
13 technical assistance to other state agencies and political subdivisions for the purpose of
14 developing and carrying out highway safety programs; ~~and~~

15 **Sec. E-4. 25 MRSA §2902, sub-§8**, as enacted by PL 2001, c. 559, Pt. KK, §4, is
16 amended to read:

17 **8. Bureau of Capitol Security.** The Bureau of Capitol Security, which is under the
18 direction of the ~~Director~~ Chief of the Bureau of Capitol Security. Security officers of this
19 bureau are those appointed by the Commissioner of Public Safety pursuant to section
20 2908.;

21 **Sec. E-5. 25 MRSA §2902, sub-§9** is enacted to read:

22 **9. Bureau of Consolidated Emergency Communications.** The Bureau of
23 Consolidated Emergency Communications, which is under the direction of the Director of
24 the Bureau of Consolidated Emergency Communications;

25 **Sec. E-6. 25 MRSA §2902, sub-§10** is enacted to read:

26 **10. Maine Emergency Medical Services.** The Maine Emergency Medical Services,
27 which is under the direction of the Director of Maine Emergency Medical Services;

28 **Sec. E-7. 25 MRSA §2902, sub-§11** is enacted to read:

29 **11. Bureau of Building Codes and Standards.** The Bureau of Building Codes and
30 Standards, which is under the direction of the Director of the Bureau of Building Codes
31 and Standards; and

32 **Sec. E-8. 25 MRSA §2902, sub-§12** is enacted to read:

33 **12. Gambling Control Unit.** The Gambling Control Unit.

34 **Sec. E-9. 25 MRSA §2903**, as enacted by PL 1977, c. 37, is amended to read:

1 **§2903. Temporary enforcement powers**

2 The Commissioner of Public Safety, at ~~his~~ the commissioner's discretion, is
3 authorized to grant statewide power of enforcement of the criminal laws of the State to
4 local county and municipal law enforcement officers, as defined in section ~~2805~~ 2801-A,
5 subsection 5, assigned to the Department of Public Safety for the duration of that
6 assignment, according to procedures established for that purpose. That power ~~shall~~ may
7 be granted only to local county and municipal law enforcement officers who have
8 completed a basic training course at the Maine Criminal Justice Academy or for whom
9 the basic training course has been waived by the board of trustees of the academy because
10 of equivalent training, as provided in section ~~2805~~ 2804-C, subsection 1 or 5.

11 **Sec. E-10. 25 MRSA §2904, sub-§1,** as amended by PL 2001, c. 559, Pt. KK,
12 §5, is further amended to read:

13 **1. Commissioner of Public Safety.** Except as provided in subsection 2, the
14 Commissioner of Public Safety is authorized and empowered to adopt rules, including a
15 schedule of parking violation fees, subject to the approval of the Governor, governing the
16 security regarding use and occupancy of all parks, grounds, buildings and appurtenances
17 maintained by the State at the capitol area or other state-controlled locations in Augusta.
18 ~~These rules become effective upon deposit of a copy with the Secretary of State, who~~
19 ~~shall forward a copy attested under the Great Seal of the State to the District Court for~~
20 ~~Southern Kennebec.~~ Prior to adoption of new or amended rules, the commissioner shall
21 provide notice of rulemaking to the Legislative Council. Rules adopted pursuant to this
22 subsection are routine technical rules as described in Title 5, chapter 375, subchapter 2-A.

23 **Sec. E-11. 25 MRSA §2906,** as amended by PL 1991, c. 665, §§1 and 2, is
24 repealed and the following enacted in its place:

25 **§2906. Rules**

26 **1. Rules.** The Commissioner of Public Safety is authorized and empowered to make
27 and enforce rules, subject to the approval of the Governor, governing the use of public
28 ways and parking areas maintained by the State at the capitol area or other state-
29 controlled locations in Augusta.

30 **2. Fees.** The Commissioner of Public Safety may by rule establish a method by
31 which persons charged with the violation of parking regulations may waive all court
32 action by payment of specified fees within specified periods of time. These rules may
33 provide that a vehicle unlawfully parked is prima facie evidence of the unlawful parking
34 of the vehicle by the person in whose name the vehicle is registered. The specified fee for
35 any violation must be at least \$10.

36 Rules adopted pursuant to this section are routine technical rules as described in Title
37 5, chapter 375, subchapter 2-A.

38 **Sec. E-12. 25 MRSA §2908,** as repealed and replaced by PL 1989, c. 857, §59, is
39 repealed and the following enacted in its place:

1 6. Designates rules adopted by the Commissioner of Public Safety governing the use
2 of public ways and parking areas maintained by the State at the capitol area or other state-
3 controlled locations in Augusta as routine technical rules;

4 7. Authorizes the Commissioner of Public Safety to grant statewide power of
5 enforcement of any law of this State to a capitol security officer if that officer has
6 completed a basic training course at the Maine Criminal Justice Academy or equivalent
7 training; and

8 8. Generally updates and corrects statutes relating to the organizational structure of
9 the Department of Public Safety.