

# MAINE STATE LEGISLATURE

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L.D. 505

Date: 6-9-21

(Filing No. H-535)

**CRIMINAL JUSTICE AND PUBLIC SAFETY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
130TH LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H.P. 368, L.D. 505, "An Act To Expand the Disciplinary Authority of the Board of Trustees of the Maine Criminal Justice Academy"

Amend the bill by striking out everything after the enacting clause and inserting the following:

**Sec. 1. 25 MRSA §2803-A, sub-§15-A** is enacted to read:

**15-A. Standards of conduct.** To adopt rules establishing standards of conduct for an applicant for a certificate and a certificate holder the violation of which subject that person to disciplinary action pursuant to section 2806-A, subsection 5, paragraph M;

**Sec. 2. 25 MRSA §2806-A, sub-§5, ¶K,** as amended by PL 2019, c. 438, §5, is further amended by amending subparagraph (4) to read:

(4) Less than 60 days had elapsed since the officer initially became involved in the investigation or purported investigation; ~~and~~

**Sec. 3. 25 MRSA §2806-A, sub-§5, ¶L,** as enacted by PL 2019, c. 438, §6, is amended to read:

L. Engaging in sexual contact, as defined in Title 17-A, section 251, subsection 1, paragraph D, with another person, not the person's spouse, if at the time of the sexual contact the applicant or certificate holder is acting in performance of official duties and the other person is under arrest, in custody or being interrogated or temporarily detained, including during a traffic stop or questioning pursuant to an investigation of a crime, except that it is not grounds for discipline that a certificate holder properly performs a search of a person for legitimate law enforcement purposes consistent with training standards approved by the board; and

**Sec. 4. 25 MRSA §2806-A, sub-§5, ¶M** is enacted to read:

M. Engaging in conduct that is a violation of the standards of conduct established by the board by rule pursuant to section 2803-A, subsection 15-A.

COMMITTEE AMENDMENT "FV" to H.P. 368, L.D. 505

**10. Confidentiality; access to documents; public records.** All complaints, charges or accusations of misconduct, replies to those complaints, charges or accusations and any other information or materials that may result in suspension or revocation of a certificate that are considered by the board or the complaint review committee established pursuant to section 2805-C are confidential. If a person subject to this chapter requests an adjudicatory hearing under the Maine Administrative Procedure Act, that hearing must be open to the public. The hearing officer who presides over the hearing shall issue a written decision that states the conduct or other facts on the basis of which action is being taken and the reason for that action. Once issued, the hearing officer's written decision is a public record under the Freedom of Access Act, regardless of whether it is appealed. Any action taken by the board pursuant to this section as a result of a complaint, charge or accusation must be supported by a statement of findings and must be issued as a written decision of the board. The written decision of the board and findings are public records under the Freedom of Access Act.

## SUMMARY

**FISCAL NOTE REQUIRED**

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## COMMITTEE AMENDMENT



Approved: 05/29/21 *MAC*

# 130th MAINE LEGISLATURE

LD 505

LR 1417(02)

An Act To Expand the Disciplinary Authority of the Board of Trustees of the Maine Criminal Justice Academy

Fiscal Note for Bill as Amended by Committee Amendment *A(H-535)*

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

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## Fiscal Note

Minor cost increase - General Fund

### Fiscal Detail and Notes

Additional costs to the Department of Public Safety associated with this bill can be absorbed within existing budgeted resources.