



130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document			No. 1128
	~~		 1

H.P. 806

House of Representatives, March 22, 2021

An Act Relating to Personnel Working in Public Safety

Received by the Clerk of the House on March 18, 2021. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

R(+ B. Hunt

ROBERT B. HUNT Clerk

Presented by Representative COREY of Windham. Cosponsored by Representatives: COSTAIN of Plymouth, FAY of Raymond, NEWMAN of

Belgrade, PICKETT of Dixfield, RUDNICKI of Fairfield, Senators: CYRWAY of Kennebec, DIAMOND of Cumberland.

1 Be it enacted by the People of the State of Maine as follows: PART A 2 3 Sec. A-1. 14 MRSA §5545, as amended by PL 2015, c. 335, §5, is further amended 4 to read: 5 §5545. Habeas corpus for prisoner as witness 6 A court may issue a writ of habeas corpus, when necessary, to bring before it a prisoner 7 for trial in a cause pending in such court, or to testify as a witness when his the prisoner's personal attendance is deemed determined necessary for the attainment of justice. 8 9 Whenever, under this section or under any other section in this chapter, a court issues 10 a writ of habeas corpus ordering before it a prisoner confined in any penal or correctional institution under the control of the Department of Corrections, or confined in any county 11 12 jail, its order as to the transportation of the prisoner to and from the court must be directed to the sheriff of the county in which the court is located. It is the responsibility of the sheriff 13 or any one or more of the sheriff's authorized deputies or transport officers pursuant to any 14 15 such order to safely transport a prisoner to and from the court and to provide safe and secure 16 custody of the prisoner during the proceedings, as directed by the court. At the time of removal of a prisoner from an institution, the transporting officer shall leave with the head 17 of the institution an attested copy of the order of the court, and upon return of the prisoner 18 19 shall note that return on the copy. 20 Any prisoner who escapes from custody of the sheriff or any of his the sheriff's deputies, transport officers or any other law enforcement officer following removal for 21 22 appearance in court, from a penal or correctional institution or from a county jail, and prior 23 to return thereto, shall be is chargeable with escape from the penal or correctional institution or county jail from which he the prisoner was removed, and shall be punished is 24 25 subject to punishment in accordance with Title 17-A, section 755. 26 For purposes of this section, "transport officer" has the same meaning as in Title 30-A, 27 section 451, subsection 15. 28 Sec. A-2. 17-A MRSA §2, sub-§5-E is enacted to read: 5-E. Correctional facility law enforcement officer. "Correctional facility law 29 30 enforcement officer" means a corrections officer who is certified pursuant to Title 25, 31 section 2803-A as a corrections employee with law enforcement powers. 32 Sec. A-3. 17-A MRSA §2, sub-§25-A is enacted to read: 25-A. Transport officer. "Transport officer" has the same meaning as in Title 30-A, 33 34 section 451, subsection 15. Sec. A-4. 17-A MRSA §101, sub-§5, as repealed and replaced by PL 2009, c. 336, 35 §5, is amended to read: 36 37 5. For purposes of this chapter, use by a law enforcement officer, a transport officer, a corrections officer or a corrections supervisor of the following is use of nondeadly force: 38 39 A. Chemical mace or any similar substance composed of a mixture of gas and 40 chemicals that has or is designed to have a disabling effect upon human beings; or

1 2 3 4	B. A less-than-lethal munition that has or is designed to have a disabling effect upon human beings. For purposes of this paragraph, "less-than-lethal munition" means a low-kinetic energy projectile designed to be discharged from a firearm that is approved by the Board of Trustees of the Maine Criminal Justice Academy.
5 6	Sec. A-5. 17-A MRSA §107, sub-§5, as amended by PL 1995, c. 215, §2, is repealed.
7 8	Sec. A-6. 17-A MRSA §107, sub-§5-A, as amended by PL 2003, c. 143, §3, is repealed.
9	Sec. A-7. 17-A MRSA §107, sub-§5-B is enacted to read:
10 11 12 13	5-B. A corrections officer, corrections supervisor, correctional facility law enforcement officer or another individual responsible for the custody, care or treatment of persons in custody, pursuant to an order of a court or as a result of arrest, is justified in using a reasonable degree of nondeadly force upon another person:
14 15 16	A. When and to the extent the corrections officer, corrections supervisor, correctional facility law enforcement officer or other individual reasonably believes it necessary to prevent an escape from custody or to enforce the rules of the correctional facility; or
17 18 19 20	B. In self-defense or to defend a 3rd person from what the corrections officer, corrections supervisor, correctional facility law enforcement officer or other individual reasonably believes to be the imminent use of unlawful nondeadly force encountered while seeking to prevent an escape from custody or while enforcing the rules of the
21	correctional facility.
21 22	correctional facility. Sec. A-8. 17-A MRSA §107, sub-§5-C is enacted to read:
22 23 24 25 26	Sec. A-8. 17-A MRSA §107, sub-§5-C is enacted to read: 5-C. A corrections officer, corrections supervisor or correctional facility law enforcement officer responsible for a person in custody, pursuant to an order of a court or as a result of arrest, is justified in using deadly force when the corrections officer, corrections supervisor or correctional facility law enforcement officer reasonably believes
22 23 24 25 26 27 28 29	 Sec. A-8. 17-A MRSA §107, sub-§5-C is enacted to read: 5-C. A corrections officer, corrections supervisor or correctional facility law enforcement officer responsible for a person in custody, pursuant to an order of a court or as a result of arrest, is justified in using deadly force when the corrections officer, corrections supervisor or correctional facility law enforcement officer reasonably believes such force is necessary: A. For self-defense or to defend a 3rd person from what the corrections officer, corrections supervisor or correctional facility law enforcement officer reasonably

1 2 3 4 5 6 7 8 9	 (2) The corrections officer, corrections supervisor or correctional facility law enforcement officer reasonably believes that the person in custody otherwise knows the corrections officer, corrections supervisor or correctional facility law enforcement officer is attempting to prevent the escape from custody. For the purposes of this subsection, a reasonable belief that another person has committed a crime involving use or threatened use of deadly force is a reasonable belief in facts, circumstances and the law that, if true, would constitute such an offense by the person. If the facts and circumstances reasonably believed would not constitute such an offense, an erroneous but reasonable belief that the law is otherwise justifies the use of deadly force to
10	prevent an escape.
11	Sec. A-9. 17-A MRSA §107, sub-§5-D is enacted to read:
12 13 14 15 16 17 18 19 20 21 22	5-D. A corrections officer, corrections supervisor, correctional facility law enforcement officer or law enforcement officer is justified in using deadly force against a person confined in the Maine State Prison when the corrections officer, corrections supervisor, correctional facility law enforcement officer or law enforcement officer reasonably believes that deadly force is necessary to prevent an escape from custody by that person. The corrections officer, corrections supervisor, correctional facility law enforcement officer supervisor, correctional facility law enforcement officer or law enforcement officer or law enforcement officer or law enforcement officer or law enforcement officer shall make reasonable efforts to advise the person that if the attempt to escape does not stop immediately, deadly force will be used. This subsection does not authorize any corrections officer, corrections supervisor, correctional facility law enforcement officer or law enforcement officer or law enforcement officer who is not employed by a state agency to use deadly force.
23	Sec. A-10. 17-A MRSA §107, sub-§5-E is enacted to read:
24 25 26 27 28	5-E. A private person who has been directed by a corrections officer, corrections supervisor or correctional facility law enforcement officer responsible for a person in custody, pursuant to an order of a court or as a result of arrest, to assist the corrections officer, corrections supervisor or correctional facility law enforcement officer in preventing an escape from custody is justified in using:
29 30 31 32	A. A reasonable degree of nondeadly force when and to the extent that the private person reasonably believes such force to be necessary to carry out the corrections officer's, corrections supervisor's or correctional facility law enforcement officer's direction, unless the private person reasonably believes the order is illegal; or
33 34 35 36 37 38 39	B. Deadly force only when the private person reasonably believes such force to be necessary for self-defense or to defend a 3rd person from what the private person reasonably believes to be the imminent use of unlawful deadly force or when the corrections officer, corrections supervisor or correctional facility law enforcement officer directs the private person to use deadly force and the private person reasonably believes the corrections officer, corrections supervisor or correctional facility law enforcement officer is authorized to use deadly force under the circumstances.
40	Sec. A-11. 17-A MRSA §107, sub-§5-F is enacted to read:
41 42	5-F. A transport officer is justified in using a reasonable degree of nondeadly force upon another person:

 A. When and to the extent the transport officer reasonably believes it is necessary to fan arrest, unless the transport officer knows that the detention is illegal; or B. In self-defense or to defend a 3rd person from what the transport officer reasonably believes to be the imminent use of unlawful nondeadly force oncountered while seeking to prevent an escape of a person in custody. Sec. A-12. 17-A MRSA §107, sub-§5-G is enacted to read: 5-G. A transport officer is justified in using deadly force only when the transport officer reasonably believes such force is necessary: A. For self-defense or to defend a 3rd person from what the transport officer reasonably believes is the imminent use of unlawful deadly force, or B. To prevent the escape of a person in custody, pursuant to an order of a court or as a result of an arrest, when the transport officer reasonably believes is the imminent use of therwise indicates that the person is likely to seriously endanger human life or to inflict serious bodily injury unless apprehended without delay and: (1) The transport officer has made reasonable efforts to advise the person that the transport officer is attempting to prevent the escape from custody otherwise; and the transport officer is attempting to prevent the escape from custody otherwise knows the transport officer is attempting to prevent the escape from custody. (1) The transport officer reasonably believes that the person in custody otherwise; an officar is attempting to prevent the escape from custody. For the purposes of this subsection, a reasonable belief that another person. If the facts and circumstances reasonably believed would not constitute such an offense, an erroneous but reasonable belief that the law is otherwise is using in facts, circumstances and the law that, if true, would constitute such an offense by the person. If the facts and circums	1	
3 of an arrest, unless the transport officer knows that the detention is illegal; or 4 B. In self-defense or to defend a 3rd person from what the transport officer reasonably believes to be the imminent use of unlawful nondeadly force encountered while seeking to prevent an escape of a person in custody. 7 Sec. A-12. 17-A MRSA §107, sub-§5-G is enacted to read: 8 5-G. A transport officer is justified in using deadly force only when the transport officer reasonably believes such force is necessary: 10 A. For self-defense or to defend a 3rd person from what the transport officer reasonably believes is the imminent use of unlawful deadly force; or 12 B. To prevent the escape of a person in custody, pursuant to an order of a court or as a result of an arrest, when the transport officer reasonably believes the person has committed a crime involving the use or threatened use of deadly force; is using a dangerous weapon in attempting to escape or otherwise indicates that the person is likely to seriously endanger human life or to inflict serious bodily injury unless apprehended without delay and: (1) The transport officer reasonable belief that another person in custody otherwise knows the transport officer reasonably believes that the person is aware of this advice; or (2) The transport officer reasonably believes that the person in custody otherwise knows the transport officer is attempting to prevent the escape from custody. For the purposes of this subsection, a reasonable belief that another person has committed a crime involving use or threatened use of deadly force is a reasonable belief in facts, crimustances and the law that	1	A. When and to the extent the transport officer reasonably believes it is necessary to
 B. In self-defense or to defend a 3rd person from what the transport officer reasonably believes to be the imminent use of unlawful nondeadly force encountered while seeking to prevent an escape of a person in custody. Sec. A-12. 17-A MRSA §107, sub-§5-G is enacted to read: 5-G. A transport officer is justified in using deadly force only when the transport officer reasonably believes such force is necessary: A. For self-defense or to defend a 3rd person from what the transport officer reasonably believes is the imminent use of unlawful deadly force; or B. To prevent the escape of a person in custody, pursuant to an order of a court or as a result of an arrest, when the transport officer reasonably believes is the imminent use of unlawful deadly force; is using a dangerous weapon in attempting to escape or otherwise indicates that the person is likely to seriously endanger human life or to inflict serious bodily injury unless apprehended without delay and: (1) The transport officer has made reasonable efforts to advise the person that the transport officer reasonably believes that the person in custody and the transport officer reasonably believes that the person in custody otherwise knows the transport officer is attempting to prevent the escape from custody and the transport officer reasonably believes what the person has committed a crime involving use or threatened use of deadly force is a reasonable belief in facts, circumstances reasonable belief that another person has committed a crime involving use or threatened use of deadly is used an offense, an erroneous but reasonable belief that the law is otherwise justifies the use of deadly force to prevent an escape. For the purposes of this subsection, a reasonable belief that another person has committed a crime involving use or threatened use of deadly force is a reasonable belief in facts, circumstances and the law that, if tru		
5 believes to be the imminent use of unlawful nondeadly force encountered while seeking 6 to prevent an escape of a person in custody. 7 Sec. A-12. 17-A MRSA §107, sub-§5-G is enacted to read: 8 5-G. A transport officer is justified in using deadly force only when the transport officer reasonably believes such force is necessary: 10 A. For self-defense or to defend a 3rd person from what the transport officer reasonably believes is the imminent use of unlawful deadly force; or 11 R. To prevent the escape of a person in custody, pursuant to an order of a court or as a result of an arrest, when the transport officer reasonably believes the person has committed a crime involving the use or threatened use of deadly force, is using a dangerous weapon in attempting to escape or otherwise indicates that the person is likely to seriously endanger human life or to inflict serious bodily injury unless apprehended without delay and: 18 (1) The transport officer has made reasonable efforts to advise the person that the transport officer reasonably believes that the person in custody and the transport officer reasonably believes that the person in custody otherwise knows the transport officer is attempting to prevent the escape from custody. 23 For the purposes of this subsection, a reasonable belief that another person has committed a crime involving use or threatened use of deadly force is a reasonable belief in facts, circumstances and the law that, if true, would constitute such an offense by the person. If the facts and circumstances reasonably believed would not constitute such an offense, an eroneous but reasonable belief that the aw i		
6 to prevent an escape of a person in custody. 7 Sec. A-12. 17-A MRSA §107, sub-§5-G is enacted to read: 8 5-G. A transport officer is justified in using deadly force only when the transport officer reasonably believes such force is necessary: 10 A. For self-defense or to defend a 3rd person from what the transport officer reasonably believes is the imminent use of unlawful deadly force; or 11 reasonably believes is the imminent use of unlawful deadly force; or 12 B. To prevent the escape of a person in custody, pursuant to an order of a court or as a result of an arrest, when the transport officer reasonably believes the person has committed a crime involving the use or threatened use of deadly force, is using a dangerous weapon in attempting to escape or otherwise indicates that the person is likely to seriously endanger human life or to inflict serious bodily injury unless apprehended without delay and. 18 (1) The transport officer reasonable beliefforts to advise the person that the transport officer is attempting to prevent the escape from custody otherwise knows the transport officer reasonably believes that the person in custody otherwise knows the transport officer is attempting to prevent the escape from custody. 23 For the purposes of this subsection, a reasonable belief that another person has committed a crime involving use or threatened use of deadly force is a reasonable belief in facts, circumstances and the law that, if true, would constitute such an offense by the person. If the facts and circumstances reasonably believed would not constitute such an offense, an erroneous but reasonable belief that the law is oth		
 Sec. A-12. 17-A MRSA §107, sub-§5-G is enacted to read: S-G. A transport officer is justified in using deadly force only when the transport officer reasonably believes such force is necessary: A. For self-defense or to defend a 3rd person from what the transport officer reasonably believes is the imminent use of unlawful deadly force; or B. To prevent the escape of a person in custody, pursuant to an order of a court or as a result of an arrest, when the transport officer reasonably believes the person has committed a crime involving the use or threatened use of deadly force, is using a dangerous weapon in attempting to escape or otherwise indicates that the person is likely to seriously endanger human life or to inflict serious bodily injury unless apprehended without delay and. (1) The transport officer has made reasonable efforts to advise the person that the transport officer is attempting to prevent the escape from custody and the transport officer reasonably believes that the person in custody otherwise knows the transport officer is attempting to prevent the escape from custody otherwise knows the transport officer is attempting to prevent the escape from custody ofter. For the purposes of this subsection, a reasonable belief that another person has committed a crime involving use or threatened use of deadly force is a reasonable belief in facts, circumstances and the law that, if true, would constitute such an offense by the person. If the facts and circumstances reasonably believed would not constitute such an offense, an erroneous but reasonable belief that the law is otherwise justified in using: A. A reasonable degree of nondeadly force when and to the extent that the private person reasonably believes the order is illegal; or B. Deadly force only when the private person reasonably believes the order to be necessary for self-defense or to defend a 3rd person from what the private person reasonably		• •
 5-G. A transport officer is justified in using deadly force only when the transport officer reasonably believes such force is necessary: A. For self-defense or to defend a 3rd person from what the transport officer reasonably believes is the imminent use of unlawful deadly force; or B. To prevent the escape of a person in custody, pursuant to an order of a court or as a result of an arrest, when the transport officer reasonably believes the person has committed a crime involving the use or threatened use of deadly force, is using a dangerous weapon in attempting to escape or otherwise indicates that the person is likely to seriously endanger human life or to inflict serious bodily injury unless apprehended without delay and; (1) The transport officer has made reasonable efforts to advise the person that the transport officer is attempting to prevent the escape from custody and the transport officer reasonably believes that the person is unsoper officer reasonably believes is the tansport officer is attempting to prevent the escape from custody and the transport officer reasonably believes that the person in custody on the transport officer reasonably believes that the person in custody otherwise knows the transport officer is attempting to prevent the escape from custody. For the purposes of this subsection, a reasonable belief that another person has committed a crime involving use or threatened use of deadly force is a reasonable belief in facts, circumstances and the law that, if true, would constitute such an offense by the person. If the facts and circumstances reasonably believed would not constitute such an offense, an erroneous but reasonable belief that the law is otherwise justified in using:	6	to prevent an escape of a person in custody.
 officer reasonably believes such force is necessary: A. For self-defense or to defend a 3rd person from what the transport officer reasonably believes is the imminent use of unlawful deadly force; or B. To prevent the escape of a person in custody, pursuant to an order of a court or as a result of an arrest, when the transport officer reasonably believes the person has committed a crime involving the use or threatened use of deadly force, is using a dangerous weapon in attempting to escape or otherwise indicates that the person is likely to seriously endanger human life or to inflict serious bodily injury unless apprehended without delay and:	7	Sec. A-12. 17-A MRSA §107, sub-§5-G is enacted to read:
 officer reasonably believes such force is necessary: A. For self-defense or to defend a 3rd person from what the transport officer reasonably believes is the imminent use of unlawful deadly force; or B. To prevent the escape of a person in custody, pursuant to an order of a court or as a result of an arrest, when the transport officer reasonably believes the person has committed a crime involving the use or threatened use of deadly force, is using a dangerous weapon in attempting to escape or otherwise indicates that the person is likely to seriously endanger human life or to inflict serious bodily injury unless apprehended without delay and:	8	5-G. A transport officer is justified in using deadly force only when the transport
11 reasonably believes is the imminent use of unlawful deadly force; or 12 B. To prevent the escape of a person in custody, pursuant to an order of a court or as a result of an arrest, when the transport officer reasonably believes the person has committed a crime involving the use or threatened use of deadly force, is using a dangerous weapon in attempting to escape or otherwise indicates that the person is likely to seriously endanger human life or to inflict serious bodily injury unless apprehended without delay and: (1) The transport officer has made reasonable efforts to advise the person that the transport officer is attempting to prevent the escape from custody and the transport officer reasonably believes that the person in custody otherwise knows the transport officer is attempting to prevent the escape from custody. 20 (2) The transport officer reasonably believes that the person in custody otherwise knows the transport officer is attempting to prevent the escape from custody. 21 (2) The transport officer is attempting to prevent the escape from custody. 22 knows the transport officer is attempting to prevent the escape from custody. 23 For the purposes of this subsection, a reasonable belief that another person has committed a crime involving use or threatened use of deadly force is a reasonable belief in facts, circumstances and the law that, if true, would constitute such an offense of the person. If the facts and circumstances reasonably believed would not constitute such an offense, an erroneous but reasonable belief that the law is otherwise justified in using: 24	9	officer reasonably believes such force is necessary:
11 reasonably believes is the imminent use of unlawful deadly force; or 12 B. To prevent the escape of a person in custody, pursuant to an order of a court or as a result of an arrest, when the transport officer reasonably believes the person has committed a crime involving the use or threatened use of deadly force, is using a dangerous weapon in attempting to escape or otherwise indicates that the person is likely to seriously endanger human life or to inflict serious bodily injury unless apprehended without delay and: (1) The transport officer has made reasonable efforts to advise the person that the transport officer is attempting to prevent the escape from custody and the transport officer reasonably believes that the person in custody otherwise knows the transport officer is attempting to prevent the escape from custody. 20 (2) The transport officer reasonably believes that the person in custody otherwise knows the transport officer is attempting to prevent the escape from custody. 21 (2) The transport officer is attempting to prevent the escape from custody. 22 knows the transport officer is attempting to prevent the escape from custody. 23 For the purposes of this subsection, a reasonable belief that another person has committed a crime involving use or threatened use of deadly force is a reasonable belief in facts, circumstances and the law that, if true, would constitute such an offense of the person. If the facts and circumstances reasonably believed would not constitute such an offense, an erroneous but reasonable belief that the law is otherwise justified in using: 24	10	A For self-defense or to defend a 3rd person from what the transport officer
12 B. To prevent the escape of a person in custody, pursuant to an order of a court or as 13 a result of an arrest, when the transport officer reasonably believes the person has 14 committed a crime involving the use or threatened use of deadly force, is using a 15 dangerous weapon in attempting to escape or otherwise indicates that the person is 16 likely to seriously endanger human life or to inflict serious bodily injury unless 17 apprehended without delay and: 18 (1) The transport officer has made reasonable efforts to advise the person that the 19 transport officer is attempting to prevent the escape from custody and the transport 20 officer reasonably believes that the person is aware of this advice; or 21 (2) The transport officer reasonable belief that another person has committed 22 knows the transport officer is attempting to prevent the escape from custody. 23 For the purposes of this subsection, a reasonable belief that another person has committed 24 a crime involving use or threatened use of deadly force is a reasonable belief in facts, circumstances and the law that, if true, would constitute such an offense by the person. If 26 the facts and circumstances reasonably believed would not constitute such an offense, an 27 erroneous but reasonable belief that the law is otherwise ju		
13 a result of an arrest, when the transport officer reasonably believes the person has 14 committed a crime involving the use or threatened use of deadly force, is using a 15 dangerous weapon in attempting to escape or otherwise indicates that the person is 16 likely to seriously endanger human life or to inflict serious bodily injury unless 17 apprehended without delay and: 18 (1) The transport officer has made reasonable efforts to advise the person that the 19 transport officer is attempting to prevent the escape from custody and the transport 20 officer reasonably believes that the person is aware of this advice; or 21 (2) The transport officer reasonably believes that the person neusody, 22 knows the transport officer is attempting to prevent the escape from custody otherwise 23 For the purposes of this subsection, a reasonable belief that another person has committed 24 a crime involving use or threatened use of deadly force is a reasonable belief in facts, 25 circumstances and the law that, if true, would constitute such an offense, an 27 erconeous but reasonable belief that the law is otherwise justifies the use of deadly force to 28 prevent an escape. 29 Sec. A-13. 17-A MRSA §107, sub-§5-H is enacted to read:		
14committed a crime involving the use or threatened use of deadly force, is using a dangerous weapon in attempting to escape or otherwise indicates that the person is likely to seriously endanger human life or to inflict serious bodily injury unless apprehended without delay and:17apprehended without delay and:18(1) The transport officer has made reasonable efforts to advise the person that the transport officer is attempting to prevent the escape from custody and the transport officer reasonably believes that the person is aware of this advice; or21(2) The transport officer reasonably believes that the person in custody otherwise knows the transport officer is attempting to prevent the escape from custody.23For the purposes of this subsection, a reasonable belief that another person has committed a crime involving use or threatened use of deadly force is a reasonable belief in facts, circumstances and the law that, if true, would constitute such an offense by the person. If the facts and circumstances reasonably believed would not constitute such an offense, an erroneous but reasonable belief that the law is otherwise justifies the use of deadly force to prevent an escape.29Sec. A-13. 17-A MRSA §107, sub-§5-H is enacted to read: 5-H. A private person who has been directed by a transport officer to assist the transport officer in preventing an escape from custody is justified in using: A. A reasonable believes such force to be necessary to carry out the transport officer's direction, unless the private person reasonably believes the order is illegal; or35B. Deadly force only when the private person reasonably believes such force to be necessary for self-defense or to defend a 3rd person from what the private person reasonably believes the transport officer is a		
15dangerous weapon in attempting to escape or otherwise indicates that the person is16likely to seriously endanger human life or to inflict serious bodily injury unless17apprehended without delay and:18(1) The transport officer has made reasonable efforts to advise the person that the19transport officer is attempting to prevent the escape from custody and the transport20officer reasonably believes that the person is aware of this advice; or21(2) The transport officer reasonably believes that the person in custody otherwise22knows the transport officer is attempting to prevent the escape from custody.23For the purposes of this subsection, a reasonable belief that another person has committed24a crime involving use or threatened use of deadly force is a reasonable belief in facts,25circumstances and the law that, if true, would constitute such an offense by the person. If26the facts and circumstances reasonably believed would not constitute such an offense, an27erroneous but reasonable belief that the law is otherwise justifies the use of deadly force to28prevent an escape.29Sec. A-13. 17-A MRSA §107, sub-§5-H is enacted to read:315-H. A private person who has been directed by a transport officer to assist the32transport officer only when the private person reasonably believes such force to be33nection, unless the private person reasonably believes the order is illegal; or34B. Deadly force only when the private person trom what the private person35B. Deadly force only when the private		
 likely to seriously endanger human life or to inflict serious bodily injury unless apprehended without delay and: The transport officer has made reasonable efforts to advise the person that the transport officer is attempting to prevent the escape from custody and the transport officer reasonably believes that the person is aware of this advice; or		
 apprehended without delay and: (1) The transport officer has made reasonable efforts to advise the person that the transport officer is attempting to prevent the escape from custody and the transport officer reasonably believes that the person is aware of this advice; or (2) The transport officer reasonably believes that the person in custody otherwise knows the transport officer is attempting to prevent the escape from custody. For the purposes of this subsection, a reasonable belief that another person has committed a crime involving use or threatened use of deadly force is a reasonable belief in facts, circumstances and the law that, if true, would constitute such an offense by the person. If the facts and circumstances reasonably believed would not constitute such an offense, an erroneous but reasonable belief that the law is otherwise justifies the use of deadly force to prevent an escape. Sec. A-13. 17-A MRSA §107, sub-§5-H is enacted to read: 5-H. A private person who has been directed by a transport officer to assist the transport officer in preventing an escape from custody is justified in using: A. A reasonable degree of nondeadly force when and to the extent that the private person reasonably believes such force to be necessary to carry out the transport officer's direction, unless the private person reasonably believes the order is illegal; or B. Deadly force only when the private person from what the private person reasonably believes to be the imminent use of unlawful deadly force or when the transport officer directs the private person from what the private person reasonably believes to be the imminent use of unlawful deadly force under the circumstances. Sec. A-14. 17-A MRSA §110, as enacted by PL 1997, c. 289, §1, is amended to 		
18 (1). The transport officer has made reasonable efforts to advise the person that the transport officer is attempting to prevent the escape from custody and the transport officer reasonably believes that the person is aware of this advice; or 21 (2). The transport officer reasonably believes that the person in custody otherwise knows the transport officer is attempting to prevent the escape from custody. 23 For the purposes of this subsection, a reasonable belief that another person has committed a crime involving use or threatened use of deadly force is a reasonable belief in facts, circumstances and the law that, if true, would constitute such an offense by the person. If the facts and circumstances reasonably believed would not constitute such an offense, an erroneous but reasonable belief that the law is otherwise justifies the use of deadly force to prevent an escape. 29 Sec. A-13. 17-A MRSA §107, sub-§5-H is enacted to read: 30 5-H. A private person who has been directed by a transport officer to assist the transport officer in preventing an escape from custody is justified in using: 31 A. A reasonable degree of nondeadly force when and to the extent that the private person reasonably believes such force to be necessary to carry out the transport officer's direction, unless the private person reasonably believes and direction as and person from what the private person reasonably believes to be the imminent use of unlawful deadly force or when the transport officer to be the escapes of unlawful deadly force or when the transport officer is private person reasonably believes and the private person reasonably believes and the private person reasonably believes the transport officer or when the transport officer directs t		
19transport officer is attempting to prevent the escape from custody and the transport20officer reasonably believes that the person is aware of this advice; or21(2) The transport officer reasonably believes that the person in custody otherwise22knows the transport officer is attempting to prevent the escape from custody.23For the purposes of this subsection, a reasonable belief that another person has committed24a crime involving use or threatened use of deadly force is a reasonable belief in facts,25circumstances and the law that, if true, would constitute such an offense by the person. If26the facts and circumstances reasonably believed would not constitute such an offense, an27erroneous but reasonable belief that the law is otherwise justifies the use of deadly force to28prevent an escape.29Sec. A-13. 17-A MRSA §107, sub-§5-H is enacted to read:305-H. A private person who has been directed by a transport officer to assist the31transport officer in preventing an escape from custody is justified in using:32A. A reasonable degree of nondeadly force when and to the extent that the private33person reasonably believes such force to be necessary to carry out the transport officer's34direction, unless the private person reasonably believes the order is illegal; or35B. Deadly force only when the private person from what the private person36reasonably believes to be the imminent use of unlawful deadly force or when the37transport officer directs the private person to use deadly force and the private person<		
 officer reasonably believes that the person is aware of this advice; or (2) The transport officer reasonably believes that the person in custody otherwise knows the transport officer is attempting to prevent the escape from custody. For the purposes of this subsection, a reasonable belief that another person has committed a crime involving use or threatened use of deadly force is a reasonable belief in facts, circumstances and the law that, if true, would constitute such an offense by the person. If the facts and circumstances reasonably believed would not constitute such an offense, an erroneous but reasonable belief that the law is otherwise justifies the use of deadly force to prevent an escape. Sec. A-13. 17-A MRSA §107, sub-§5-H is enacted to read: 5-H. A private person who has been directed by a transport officer to assist the transport officer in preventing an escape from custody is justified in using; A. A reasonable degree of nondeadly force when and to the extent that the private person reasonably believes such force to be necessary to carry out the transport officer's direction, unless the private person reasonably believes the order is illegal; or B. Deadly force only when the private person from what the private person reasonably believes to be the imminent use of unlawful deadly force or when the transport officer directs the private person to use deadly force and the private person reasonably believes the transport officer is authorized to use deadly force under the circumstances. Sec. A-14. 17-A MRSA §110, as enacted by PL 1997, c. 289, §1, is amended to 		
 (2) The transport officer reasonably believes that the person in custody otherwise knows the transport officer is attempting to prevent the escape from custody. For the purposes of this subsection, a reasonable belief that another person has committed a crime involving use or threatened use of deadly force is a reasonable belief in facts, circumstances and the law that, if true, would constitute such an offense by the person. If the facts and circumstances reasonably believed would not constitute such an offense, an erroneous but reasonable belief that the law is otherwise justifies the use of deadly force to prevent an escape. Sec. A-13. 17-A MRSA §107, sub-§5-H is enacted to read: 5-H. A private person who has been directed by a transport officer to assist the transport officer in preventing an escape from custody is justified in using: A. A reasonable degree of nondeadly force when and to the extent that the private person reasonably believes such force to be necessary to carry out the transport officer's direction, unless the private person reasonably believes the order is illegal; or B. Deadly force only when the private person reasonably believes such force to be necessary for self-defense or to defend a 3rd person from what the private person reasonably believes to be the imminent use of unlawful deadly force or when the transport officer directs the private person to use deadly force and the private person reasonably believes the transport officer is authorized to use deadly force under the circumstances. 41 Sec. A-14. 17-A MRSA §110, as enacted by PL 1997, c. 289, §1, is amended to 		
 knows the transport officer is attempting to prevent the escape from custody. For the purposes of this subsection, a reasonable belief that another person has committed a crime involving use or threatened use of deadly force is a reasonable belief in facts, circumstances and the law that, if true, would constitute such an offense by the person. If the facts and circumstances reasonably believed would not constitute such an offense, an erroneous but reasonable belief that the law is otherwise justifies the use of deadly force to prevent an escape. Sec. A-13. 17-A MRSA §107, sub-§5-H is enacted to read: 5-H. A private person who has been directed by a transport officer to assist the transport officer in preventing an escape from custody is justified in using: A. A reasonable degree of nondeadly force when and to the extent that the private person reasonably believes such force to be necessary to carry out the transport officer's direction, unless the private person reasonably believes the order is illegal; or B. Deadly force only when the private person from what the private person reasonably believes to be the imminent use of unlawful deadly force or when the transport officer directs the private person to use deadly force and the private person reasonably believes the transport officer directs the private person to use deadly force and the private person reasonably believes the transport officer is authorized to use deadly force under the circumstances. 		
 For the purposes of this subsection, a reasonable belief that another person has committed a crime involving use or threatened use of deadly force is a reasonable belief in facts, circumstances and the law that, if true, would constitute such an offense by the person. If the facts and circumstances reasonably believed would not constitute such an offense, an erroneous but reasonable belief that the law is otherwise justifies the use of deadly force to prevent an escape. Sec. A-13. 17-A MRSA §107, sub-§5-H is enacted to read: 5-H. A private person who has been directed by a transport officer to assist the transport officer in preventing an escape from custody is justified in using: A. A reasonable degree of nondeadly force to be necessary to carry out the transport officer's direction, unless the private person reasonably believes the order is illegal; or B. Deadly force only when the private person reasonably believes such force to be necessary for self-defense or to defend a 3rd person from what the private person reasonably believes to be the imminent use of unlawful deadly force or when the transport officer directs the private person to use deadly force and the private person gen reasonably believes the transport officer is authorized to use deadly force under the circumstances. 		· · · · ·
 a crime involving use or threatened use of deadly force is a reasonable belief in facts, circumstances and the law that, if true, would constitute such an offense by the person. If the facts and circumstances reasonably believed would not constitute such an offense, an erroneous but reasonable belief that the law is otherwise justifies the use of deadly force to prevent an escape. Sec. A-13. 17-A MRSA §107, sub-§5-H is enacted to read: 5-H. A private person who has been directed by a transport officer to assist the transport officer in preventing an escape from custody is justified in using: A. A reasonable degree of nondeadly force when and to the extent that the private person reasonably believes such force to be necessary to carry out the transport officer's direction, unless the private person reasonably believes the order is illegal; or B. Deadly force only when the private person from what the private person reasonably believes to be the imminent use of unlawful deadly force or when the transport officer directs the private person to use deadly force and the private person reasonably believes the transport officer is authorized to use deadly force under the circumstances. 	22	knows the transport officer is attempting to prevent the escape from custody.
 circumstances and the law that, if true, would constitute such an offense by the person. If the facts and circumstances reasonably believed would not constitute such an offense, an erroneous but reasonable belief that the law is otherwise justifies the use of deadly force to prevent an escape. Sec. A-13. 17-A MRSA §107, sub-§5-H is enacted to read: 5-H. A private person who has been directed by a transport officer to assist the transport officer in preventing an escape from custody is justified in using: A. A reasonable degree of nondeadly force when and to the extent that the private person reasonably believes such force to be necessary to carry out the transport officer's direction, unless the private person reasonably believes the order is illegal; or B. Deadly force only when the private person from what the private person reasonably believes to be the imminent use of unlawful deadly force or when the transport officer directs the private person to use deadly force and the private person reasonably believes the transport officer is authorized to use deadly force under the transport officer directs the private person to use deadly force and the private person reasonably believes the transport officer is authorized to use deadly force under the transport officer directs the private person to use deadly force and the private person reasonably believes the transport officer is authorized to use deadly force under the circumstances. 	23	For the purposes of this subsection, a reasonable belief that another person has committed
 the facts and circumstances reasonably believed would not constitute such an offense, an erroneous but reasonable belief that the law is otherwise justifies the use of deadly force to prevent an escape. Sec. A-13. 17-A MRSA §107, sub-§5-H is enacted to read: 5-H. A private person who has been directed by a transport officer to assist the transport officer in preventing an escape from custody is justified in using: A. A reasonable degree of nondeadly force when and to the extent that the private person reasonably believes such force to be necessary to carry out the transport officer's direction, unless the private person reasonably believes the order is illegal; or B. Deadly force only when the private person from what the private person reasonably believes to be the imminent use of unlawful deadly force or when the transport officer directs the private person to use deadly force and the private person reasonably believes the transport officer directs the private person to use deadly force and the private person reasonably believes the transport officer directs the private person to use deadly force under the transport officer directs the transport officer is authorized to use deadly force under the circumstances. Sec. A-14. 17-A MRSA §110, as enacted by PL 1997, c. 289, §1, is amended to 		a crime involving use or threatened use of deadly force is a reasonable belief in facts,
 27 erroneous but reasonable belief that the law is otherwise justifies the use of deadly force to prevent an escape. 29 Sec. A-13. 17-A MRSA §107, sub-§5-H is enacted to read: 30 5-H. A private person who has been directed by a transport officer to assist the transport officer in preventing an escape from custody is justified in using: 32 A. A reasonable degree of nondeadly force when and to the extent that the private person reasonably believes such force to be necessary to carry out the transport officer's direction, unless the private person reasonably believes the order is illegal; or 35 B. Deadly force only when the private person reasonably believes such force to be necessary for self-defense or to defend a 3rd person from what the private person reasonably believes to be the imminent use of unlawful deadly force or when the transport officer directs the private person to use deadly force and the private person reasonably believes the transport officer is authorized to use deadly force under the circumstances. 41 Sec. A-14. 17-A MRSA §110, as enacted by PL 1997, c. 289, §1, is amended to 		• •
 28 prevent an escape. 29 Sec. A-13. 17-A MRSA §107, sub-§5-H is enacted to read: 30 5-H. A private person who has been directed by a transport officer to assist the transport officer in preventing an escape from custody is justified in using: 32 A. A reasonable degree of nondeadly force when and to the extent that the private person reasonably believes such force to be necessary to carry out the transport officer's direction, unless the private person reasonably believes the order is illegal; or 35 B. Deadly force only when the private person reasonably believes such force to be necessary for self-defense or to defend a 3rd person from what the private person reasonably believes to be the imminent use of unlawful deadly force or when the transport officer directs the private person to use deadly force and the private person reasonably believes the transport officer is authorized to use deadly force under the circumstances. 41 Sec. A-14. 17-A MRSA §110, as enacted by PL 1997, c. 289, §1, is amended to 		
 Sec. A-13. 17-A MRSA §107, sub-§5-H is enacted to read: 5-H. A private person who has been directed by a transport officer to assist the transport officer in preventing an escape from custody is justified in using: A. A reasonable degree of nondeadly force when and to the extent that the private person reasonably believes such force to be necessary to carry out the transport officer's direction, unless the private person reasonably believes the order is illegal; or B. Deadly force only when the private person reasonably believes such force to be necessary for self-defense or to defend a 3rd person from what the private person reasonably believes to be the imminent use of unlawful deadly force or when the transport officer directs the private person to use deadly force and the private person reasonably believes the transport officer is authorized to use deadly force under the circumstances. Sec. A-14. 17-A MRSA §110, as enacted by PL 1997, c. 289, §1, is amended to 		· · ·
 5-H. A private person who has been directed by a transport officer to assist the transport officer in preventing an escape from custody is justified in using: A. A reasonable degree of nondeadly force when and to the extent that the private person reasonably believes such force to be necessary to carry out the transport officer's direction, unless the private person reasonably believes the order is illegal; or B. Deadly force only when the private person reasonably believes such force to be necessary for self-defense or to defend a 3rd person from what the private person reasonably believes to be the imminent use of unlawful deadly force or when the transport officer directs the private person to use deadly force and the private person reasonably believes the transport officer is authorized to use deadly force under the circumstances. Sec. A-14. 17-A MRSA §110, as enacted by PL 1997, c. 289, §1, is amended to 	28	prevent an escape.
 transport officer in preventing an escape from custody is justified in using: A. A reasonable degree of nondeadly force when and to the extent that the private person reasonably believes such force to be necessary to carry out the transport officer's direction, unless the private person reasonably believes the order is illegal; or B. Deadly force only when the private person reasonably believes such force to be necessary for self-defense or to defend a 3rd person from what the private person reasonably believes to be the imminent use of unlawful deadly force or when the transport officer directs the private person to use deadly force and the private person reasonably believes the transport officer is authorized to use deadly force under the circumstances. Sec. A-14. 17-A MRSA §110, as enacted by PL 1997, c. 289, §1, is amended to 	29	Sec. A-13. 17-A MRSA §107, sub-§5-H is enacted to read:
 A. A reasonable degree of nondeadly force when and to the extent that the private person reasonably believes such force to be necessary to carry out the transport officer's direction, unless the private person reasonably believes the order is illegal; or B. Deadly force only when the private person reasonably believes such force to be necessary for self-defense or to defend a 3rd person from what the private person reasonably believes to be the imminent use of unlawful deadly force or when the transport officer directs the private person to use deadly force and the private person reasonably believes to use deadly force under the circumstances. Sec. A-14. 17-A MRSA §110, as enacted by PL 1997, c. 289, §1, is amended to 	30	5-H. A private person who has been directed by a transport officer to assist the
 person reasonably believes such force to be necessary to carry out the transport officer's direction, unless the private person reasonably believes the order is illegal; or B. Deadly force only when the private person reasonably believes such force to be necessary for self-defense or to defend a 3rd person from what the private person reasonably believes to be the imminent use of unlawful deadly force or when the transport officer directs the private person to use deadly force and the private person reasonably believes the transport officer is authorized to use deadly force under the circumstances. Sec. A-14. 17-A MRSA §110, as enacted by PL 1997, c. 289, §1, is amended to 	31	transport officer in preventing an escape from custody is justified in using:
 person reasonably believes such force to be necessary to carry out the transport officer's direction, unless the private person reasonably believes the order is illegal; or B. Deadly force only when the private person reasonably believes such force to be necessary for self-defense or to defend a 3rd person from what the private person reasonably believes to be the imminent use of unlawful deadly force or when the transport officer directs the private person to use deadly force and the private person reasonably believes the transport officer is authorized to use deadly force under the circumstances. Sec. A-14. 17-A MRSA §110, as enacted by PL 1997, c. 289, §1, is amended to 	32	
 direction, unless the private person reasonably believes the order is illegal; or B. Deadly force only when the private person reasonably believes such force to be necessary for self-defense or to defend a 3rd person from what the private person reasonably believes to be the imminent use of unlawful deadly force or when the transport officer directs the private person to use deadly force and the private person reasonably believes the transport officer is authorized to use deadly force under the circumstances. Sec. A-14. 17-A MRSA §110, as enacted by PL 1997, c. 289, §1, is amended to 		
 B. Deadly force only when the private person reasonably believes such force to be necessary for self-defense or to defend a 3rd person from what the private person reasonably believes to be the imminent use of unlawful deadly force or when the transport officer directs the private person to use deadly force and the private person reasonably believes the transport officer is authorized to use deadly force under the circumstances. Sec. A-14. 17-A MRSA §110, as enacted by PL 1997, c. 289, §1, is amended to 		
 necessary for self-defense or to defend a 3rd person from what the private person reasonably believes to be the imminent use of unlawful deadly force or when the transport officer directs the private person to use deadly force and the private person reasonably believes the transport officer is authorized to use deadly force under the circumstances. Sec. A-14. 17-A MRSA §110, as enacted by PL 1997, c. 289, §1, is amended to 	35	
 37 reasonably believes to be the imminent use of unlawful deadly force or when the transport officer directs the private person to use deadly force and the private person 39 reasonably believes the transport officer is authorized to use deadly force under the circumstances. 41 Sec. A-14. 17-A MRSA §110, as enacted by PL 1997, c. 289, §1, is amended to 		
 transport officer directs the private person to use deadly force and the private person reasonably believes the transport officer is authorized to use deadly force under the circumstances. Sec. A-14. 17-A MRSA §110, as enacted by PL 1997, c. 289, §1, is amended to 		
 39 reasonably believes the transport officer is authorized to use deadly force under the 40 circumstances. 41 Sec. A-14. 17-A MRSA §110, as enacted by PL 1997, c. 289, §1, is amended to 		•
40 circumstances. 41 Sec. A-14. 17-A MRSA §110, as enacted by PL 1997, c. 289, §1, is amended to		
0, , , , , , , , , , , , , , , , , , ,		· · · · · ·
0, , , , , , , , , , , , , , , , , , ,	41	Sec. A-14. 17-A MRSA §110, as enacted by PL 1997. c. 289. §1, is amended to

1	§110. Threat to use deadly force against a law enforcement officer, corrections officer,
2	corrections supervisor or transport officer
3 4 5	A person otherwise justified in threatening to use deadly force against another is not justified in doing so with the use of a firearm or other dangerous weapon if the person knows or should know that the other person is a law enforcement officer, <u>corrections</u>
6 7 8	officer, corrections supervisor or transport officer, unless the person knows that the law enforcement officer, corrections officer, corrections supervisor or transport officer is not in fact engaged in the performance of the law enforcement officer's or supervisor's public
9 10 11 12	duty, or unless the person is justified under this chapter in using deadly force against the law enforcement officer or supervisor. A law enforcement officer, corrections officer, corrections supervisor or transport officer may not make a nonconsensual warrantless entry into a dwelling place solely in response to a threat not justified under this section.
13 14	Sec. A-15. 17-A MRSA §1002-A, sub-§1, ¶B, as amended by PL 2001, c. 383, §112 and affected by §156, is further amended to read:
15 16 17	B. That other person is a law enforcement officer, corrections officer, corrections supervisor or transport officer in uniform. Violation of this paragraph is a Class D crime; or
18 19	Sec. A-16. 17-A MRSA §1004, sub-§4, ¶A, as enacted by PL 2005, c. 264, §1, is amended to read:
20 21 22 23 24	A. A law enforcement officer, corrections officer Θr_{x} corrections supervisor <u>or</u> <u>transport officer</u> engaged in the performance of the law enforcement officer's, corrections officer's Θr_{x} corrections supervisor's <u>or transport officer's</u> public duty if the officer's or corrections supervisor's appointing authority has authorized such use of an electronic weapon; or
25 26	Sec. A-17. 17-A MRSA §1058, sub-§2, ¶A, as amended by PL 2007, c. 466, Pt. C, §6, is further amended to read:
27 28 29	A. A law enforcement officer, a corrections officer Θr_{a} a corrections supervisor <u>or a</u> <u>transport officer</u> engaged in the performance of the law enforcement officer's, corrections officer's Θr_{a} corrections supervisor's <u>or transport officer's</u> public duty;
30 31	Sec. A-18. 25 MRSA §2801-A, sub-§8, as amended by PL 2013, c. 147, §5, is repealed and the following enacted in its place:
32 33	8. Transport officer. "Transport officer" has the same meaning as in Title 30-A, section 451, subsection 15.
34 35	Sec. A-19. 25 MRSA §2803-A, sub-§8-C, as amended by PL 2013, c. 147, §11, is further amended to read:
36 37	8-C. Training of transport officers. To establish certification standards and a training program for transport officers. This program must include:
38	A. The preservice law enforcement training under section 2804-B; and
39 40	B. In-service law enforcement training that is specifically approved by the board as prescribed in section 2804-E: and

40 prescribed in section 2804-E; and

 2 board-approved training, a minimum of 8 hours of mental health first aid train 3 is: 	ing that
JU.	
4 (1) Taught using an evidence-based curriculum with fidelity to the m 5 mental health first aid training;	odel of
6 (2) Approved by the board; and	
 7 (3) Co-instructed by a mental health professional and a corrections officer of 8 enforcement officer who is at the time certified in the State as a law enfor 9 officer or who was formerly certified in the State as a law enforcement officer 	cement cer. For
10the purposes of this subparagraph, "mental health professional" means a11who is a licensed clinical professional counselor, licensed clinical social12licensed allopathic or osteopathic physician, licensed psychologist, reg13physician assistant, certified psychiatric clinical nurse specialist or certifie14practitioner or a person who has an educational degree that is a prerequisite15licensure, registration or certification.	worker, gistered ed nurse
16 Sec. A-20. 30-A MRSA §451, sub-§15 is enacted to read:	
17 <u>15. Transport officer.</u> "Transport officer" means a person who:	
18A. Possesses a current and valid certification issued by the board of trustees19Maine Criminal Justice Academy pursuant to Title 25, section 2803-A, subsection	
20B. Is responsible for transferring or conveying from one place to another indi21who are confined in a jail, prison or state correctional facility pursuant to an or22court or as the result of an arrest and does not have general law enforcement at23outside of the scope of duty set forth in this paragraph or powers of arrest, un24transport officer is also a law enforcement officer as defined in Title 25,252801-A, subsection 5; and	der of a uthority less the
 26 C. May be, but is not required to be, a law enforcement officer as defined in T 27 section 2801-A, subsection 5 or a corrections officer as defined in Title 25, 28 2801-A, subsection 2. 	
29 Sec. A-21. 30-A MRSA §1501, sub-§4 is enacted to read:	
 30 <u>4. Jailer and subordinates may be transport officers.</u> The jailer and 31 <u>subordinate assistants and employees may be transport officers.</u> 	jailer's
32 PART B	
 Sec. B-1. 20-A MRSA §12553, as amended by PL 1999, c. 234, §§4 to 6, is amended to read: 	further
35 §12553. Tuition waiver	
The child or spouse of a firefighter, law enforcement officer or emergency in services person, as defined in Title 25, section 1611, who has been killed or w received an injury during the performance of that firefighter's, law enforcement offic emergency medical services person's duties, which results in death, may attend, as pr in this section, any state postsecondary educational institution free of tuition charge	vho has icer's or rovided

1 2 3	1. Eligibility of a child. The child of a firefighter, law enforcement officer or emergency medical services person is eligible for tuition waiver under this chapter if the child is:
4 5	A. The natural or legally adopted child of a firefighter, law enforcement officer or emergency medical services person;
6 7	B. Is less than 21 years old at the time of the death of the parent who is a firefighter, law enforcement officer or emergency medical services person;
8	C. A Maine resident;
9	D. A high school graduate or has attained equivalent certification; and
10	E. Accepted for admission to a state postsecondary educational institution.
11 12 13	1-A. Eligibility of a spouse. The spouse of a firefighter, law enforcement officer or emergency medical services person is eligible for tuition waiver under this chapter if the spouse is:
14 15 16	A. Legally married to the firefighter, law enforcement officer or emergency medical services person at the time of the firefighter's, law enforcement officer's or emergency medical services person's death;
17	B. A Maine resident;
18	C. A high school graduate or has attained equivalent certification; and
19	D. Accepted for admission to a state postsecondary educational institution.
20 21 22	2. Limitation. The tuition waiver provided by this chapter is limited to undergraduate degree programs and is limited to not more than 5 years of full-time enrollment or its equivalent.
23 24 25 26	3. Continuation. The tuition waiver provided by this chapter is awarded on a yearly basis and continues to be available, if the child or spouse is otherwise eligible under this section, as long as the child or spouse remains in good academic standing at a state institution.
27	Sec. B-2. 25 MRSA c. 195-A, headnote is amended to read:
28	CHAPTER 195-A
29	DEATH BENEFITS FOR LAW ENFORCEMENT OFFICERS, FIREFIGHTERS,
30	EMERGENCY MEDICAL SERVICES PERSONS AND CORRECTIONS
31	OFFICERS WHO DIE <u>A DEATH</u> WHILE IN THE LINE OF DUTY
32 33	Sec. B-3. 25 MRSA §1611, sub-§5, as amended by PL 2017, c. 229, §6, is further amended to read:
34	5. Law enforcement officer or officer Officer. "Law enforcement officer" or
35	"officer" "Officer" means an active state police officer; a municipal police officer; a
36 37	county sheriff; a deputy sheriff; a game warden; an employee of the Office of the State Fire Marshal who has law enforcement powers pursuant to section 2396, subsection 7_{2} ; a
38	fire marshal; a judicial marshal; a forest ranger; a Baxter State Park ranger; a detective

employed by the Office of the Attorney General pursuant to Title 5, section 202_{7} ; a person 1 2 employed by the Department of Corrections as an investigative officer as defined in Title 3 34-A, section 1001, subsection 10-A₅; a law enforcement officer; a transport officer as defined in section 2801-A, subsection 8; a corrections officer as defined in section 2801-A, 4 subsection 2; a juvenile community corrections officer as described in Title 34-A, section 5 5602; a probation officer, a security; a police officer appointed by the Commissioner of 6 Public Safety pursuant to section 2908; a motor vehicle detective or supervisor appointed 7 by the Secretary of State pursuant to Title 29-A, section 152; a military security police 8 officer appointed by the Adjutant General, a University of Maine System police officer; 9 10 or a marine patrol officer in this State.

- Sec. B-4. 25 MRSA §1612, sub-§1, as amended by PL 2019, c. 658, §6, is further

 amended to read:
- 13 1. Amount; recipients. In a case in which the chief determines under rules adopted 14 pursuant to this section that a law enforcement an officer as defined in section 1611, 15 subsection 5 has died while in the line of duty, in a case in which the State Fire Marshal determines under rules adopted pursuant to this section that a firefighter has died while in 16 17 the line of duty, in a case in which the director determines under rules adopted pursuant to 18 this section that an emergency medical services person has died while in the line of duty or 19 in a case in which the Commissioner of Corrections determines under rules adopted 20 pursuant to this section that a corrections officer has died while in the line of duty prior to 21 July 1, 2021, the State shall pay a benefit of \$100,000.
- 22 Beginning July 1, 2021 and annually thereafter, the benefit amount must be indexed to the 23 Consumer Price Index whenever there is a percentage increase in the Consumer Price Index 24 from July 1st to June 30th of the previous year. A firefighter, law enforcement officer, 25 emergency medical services person or corrections officer who dies while in the line of duty must be paid the benefit amount as indexed immediately prior to that firefighter's, law 26 27 enforcement officer's, or emergency medical services person's or corrections officer's 28 death. The Department of Administrative and Financial Services shall adopt rules to 29 calculate the annual percentage increase in the death benefit.
- 30 The State shall pay the benefit as follows:
- A. If there is no surviving child of the firefighter, law enforcement officer, or
 emergency medical services person or corrections officer, to the surviving spouse of
 the person;
- B. If there is a surviving child or children and a surviving spouse of the firefighter, law
 enforcement officer, or emergency medical services person or corrections officer, 1/2
 to the surviving child or children in equal shares and 1/2 to the surviving spouse;
- C. If there is no surviving spouse of the firefighter, law enforcement officer, or
 emergency medical services person or corrections officer, to the child or children in
 equal shares; or
- D. If there is no surviving child or spouse, to the parent or parents of the firefighter,
 law enforcement officer, or emergency medical services person or corrections officer
 in equal shares.
- 43 **Sec. B-5. 25 MRSA §1612, sub-§4,** as amended by PL 2019, c. 658, §6, is further 44 amended to read:

1 2 3 4 5 6 7	4. Repayment of interim payment; waiver. If a final benefit is not paid, the recipient or recipients of any interim payment under subsection 2 are liable for repayment of the amount received. The State Fire Marshal in the case of a firefighter, the chief in the case of a law enforcement an officer, the director in the case of an emergency medical services person or the Commissioner of Corrections in the case of a corrections officer may waive all or part of the repayment if that official determines that undue hardship would result from that repayment.
8 9	Sec. B-6. 39-A MRSA §328-A, sub-§1, ¶D, as enacted by PL 2001, c. 663, §1, is amended by amending subparagraph (1) to read:
10 11	(1) Is a firefighter, emergency medical services person, law enforcement officer, <u>transport officer</u> or corrections officer; and
12	Sec. B-7. 39-A MRSA §328-A, sub-§1, ¶K is enacted to read:
13 14	K. "Transport officer" has the same meaning as in Title 30-A, section 451, subsection 15.
15	SUMMARY
16	This bill does the following.
17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35	Part A authorizes transport officers to transport prisoners to and from court pursuant to a writ of habeas corpus and to provide safe and secure custody of prisoners during the proceedings, as directed by the court. Part A allows a transport officer to use a reasonable degree of nondeadly force and deadly force, based on the provisions applicable to law enforcement officers. Part A clarifies the power of corrections personnel to use force by eliminating the current law's cross-reference to law enforcement officers' use of force when making arrests and using language appropriate to the corrections context. Part A extends the prohibitions on using deadly force against a law enforcement officer to corrections officers, corrections supervisors and transport officers. Part A extends the prohibitions on using laser pointers and electronic weapons against a law enforcement officer to corrections officers, corrections supervisors and transport officers. Part A extends to transport officers the exception to the prohibition on possession of a firearm in a courthouse. Part A provides a definition of "transport officer" in the Maine Revised Statutes, Title 17-A and Title 30-A, empowers transport officer to perform transport-related duties only and provides that a transport officer or powers of arrest. Part A authorizes a jailer or jailer's subordinate to be a transport officer. Part A also provides for private persons to assist transport and corrections officers. Part A also requires mental health first aid training for transport officers as part of the certification and training program of transport officers.
36 37 38 39 40	Part B adds to the definition of "officer" in the laws governing death benefits for officers, firefighters and emergency medical services persons by including transport officer and corrections officer and making transport officers and corrections officers eligible for benefits. Part B provides a definition of transport officer in the workers' compensation law on communicable diseases and includes a transport officer in the definition of emergency

41 rescue or public safety worker.