

MAINE STATE LEGISLATURE

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CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
132ND LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1405, L.D. 2090, "An Act to Establish a One-year Probationary Period for Public Safety Dispatchers"

Amend the bill by striking out the title and substituting the following:

'An Act to Modify Probationary Periods for Dispatchers'

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

'Sec. 1. 5 MRSA §7051, sub-§5, as corrected by RR 2023, c. 1, Pt. B, §21 and affected by §50, is amended to read:

5. Probationary period; permanent appointments. All original appointments to the classified service and all subsequent promotional appointments within the classified service must be for a probationary period. The duration of the probationary period, which may not be for less than 6 months in any case, is determined by the officer in consultation with the director or commissioner of the agency, but in no case may it be for less than 6 months except that in the case of dispatchers, the probationary period may be extended for more than 6 months as determined by the director or commissioner of the agency, unless otherwise provided for in a collective bargaining agreement. An agency that employs a dispatcher shall adopt a written policy regarding the length of the probationary period for dispatchers and disclose the policy to the dispatcher at the time of hire. For the purposes of this subsection, "dispatcher" has the same meaning as in section 18313, subsection 1.

A. An employee during the probationary period must be reviewed at the end of the employee's 3rd month of employment by the employee's supervisor. The supervisor and the employee shall mutually discuss the job tasks and the performance of the employee, including any necessary improvements.

B. An employee during the probationary period must be included in the payroll of the department in which the employee has been hired at the time of the commencement of the employee's duties. An employee during the probationary period must be compensated in the same manner as a permanent full-time employee, as long as the employee has been hired in accordance with all applicable laws and procedures.

COMMITTEE AMENDMENT

1 C. During the probationary period, an employee is not entitled to a pre-disciplinary
 2 hearing and may be dismissed, suspended or otherwise disciplined without cause.
 3 Dismissal, suspension or any other disciplinary action against an employee during the
 4 probationary period is not subject to the grievance and arbitration provision of the
 5 collective bargaining agreement.

6 **Sec. 2. 30-A MRSA §2701, first ¶**, as amended by PL 1993, c. 744, §15, is further
 7 amended to read:

8 Except as specifically provided otherwise by charter or ordinance, any reference to
 9 cause and hearing in this Part only applies to an employee who has completed a reasonable
 10 probation period established by the municipality. Periods of probation may not exceed 6
 11 calendar months or the length of time in effect in a municipality on January 1, 1984,
 12 whichever is greater, except in the case of police officers, who upon being hired shall
 13 complete an employment probationary period that lasts for at least one year after graduation
 14 from the Maine Criminal Justice Academy or the date the board waives the basic training
 15 requirement, and except in the case of dispatchers, who upon being hired shall complete
 16 an employment probationary period that lasts for at least 6 months except as otherwise
 17 provided for in a collective bargaining agreement. An agency that employs a dispatcher
 18 shall adopt a written policy regarding the length of the probationary period for dispatchers
 19 and disclose the policy to the dispatcher at the time of hire. For the purposes of this
 20 paragraph, "dispatcher" has the same meaning as in Title 5, section 18313, subsection 1.'

21 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
 22 number to read consecutively.

23 **SUMMARY**

24 This amendment changes the title and replaces the bill. The amendment requires
 25 municipal employee dispatchers to complete an employment probationary period that lasts
 26 for at least 6 months except as otherwise provided for in a collective bargaining agreement.
 27 The amendment requires state employee dispatchers to complete a probationary period of
 28 at least 6 months which may be extended as determined by the director or commissioner of
 29 the agency, except as otherwise provided for in a collective bargaining agreement. An
 30 agency that employs a dispatcher shall adopt a written policy regarding the length of the
 31 probationary period for dispatchers and disclose the policy to the dispatcher at the time of
 32 hire.