

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

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**PUBLIC LAWS**  
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## CHAPTER 261

H. P. 1135 — L. D. 1389

### AN ACT Relating to the Maine Criminal Justice Academy.

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

Sec. 1. 25 MRSA § 2803, sub-§ 9 is enacted to read:

9. Certification of instructors. To certify and set standards for certification of law enforcement and criminal justice instructors to be used in all academy basic and inservice training programs as required by the trustees and over which the trustees have statutory control.

Sec. 2. 25 MRSA § 2805, sub-§ 4, as repealed and replaced by PL 1977, c. 701, § 8, is amended by adding at the end the following new paragraph:

Whenever a full-time local law enforcement officer or a full-time corrections officer is newly appointed, such highest elected official, or department and agency head, shall send notice of appointment within 30 days to the trustees on a form approved for that purpose. The form shall be deemed an application for admission to the academy for any officer who is required to be trained by this chapter.

Sec. 3. 25 MRSA § 2806, sub-§ 2, as repealed and replaced by PL 1977, c. 701, § 9, is repealed and the following enacted in its place:

2. Hearing; procedure. In any case affecting the right of a law enforcement officer to enforce the criminal law, or affecting the right of a corrections officer to be employed as a corrections officer, the board of trustees shall, upon determining that the law enforcement officer or corrections officer is in violation of section 2805, subsection 1, conduct a hearing on the applicable facts. The procedure for the hearing shall be in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV.

Sec. 4. 25 MRSA § 2806, sub-§ 3, as enacted by PL 1973, c. 672, § 4 is repealed.

Sec. 5. 25 MRSA § 2806, sub-§ 3-A is enacted to read:

3-A. Judicial review; stay of revocation. Any party aggrieved by a final decision of the board of trustees shall be entitled to judicial review in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter VII. Notwithstanding Title 5, section 11004, no suspension of law enforcement powers, nor any prohibition of employment as a corrections officer, shall become effective until 30 days after receipt of notice of the final decision by the party so

aggrieved. If the aggrieved party shall petition the Superior Court for review within such 30-day period, no suspension shall take effect until the petition is heard in the Superior Court.

Sec. 6. 25 MRSA § 2806, sub-§ 4, as enacted by PL 1973, c. 672, § 4 is repealed.

Sec. 7. 25 MRSA § 2806, sub-§ 4-A is enacted to read:

4-A. Injunction. In the event of any continued violation of section 2805 subsequent to a final decision by the board of trustees or judicial review by the Superior Court, the Attorney General may institute injunction proceedings to enjoin that continued violation.

Sec. 8. 25 MRSA § 2806, sub-§§ 5 and 6, as enacted by PL 1973, c. 672, § 4, are repealed.

Effective September 14, 1979

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## CHAPTER 262

H. P. 321 — L. D. 425

**AN ACT to Allow an Emergency Opening of the Purse Seine Season in Washington County.**

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the herring industry is vitally important to the economy of Washington County; and

Whereas, the closed season combined with an embargo of Canadian imports of herring may have profound effects on the herring processing industry in Washington County; and

Whereas, the problem may be avoided this year without detriment to herring stocks or other fishing activities by allowing the Commissioner of Marine Resources to establish limited purse seining during the closed season; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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