

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1999

Title 20-A, section 254, subsection 11 for implementation by school administrative units beginning in school year 2000-2001. The commissioner shall report to the Joint Standing Committee on Education and Cultural Affairs by January 15, 2000 on the status of the development of the standards.

See title page for effective date.

CHAPTER 352

S.P. 397 - L.D. 1188

An Act to Amend Law Enforcement Powers of Maine Forest Rangers

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

Sec. 1. 12 MRSA §8901, sub-§3, as amended by PL 1991, c. 652, §2 and 1995, c. 502, Pt. E, §30, is repealed and the following enacted in its place:

3. Law enforcement powers. In addition to any law enforcement powers expressly provided to forest rangers by another law:

A. Forest rangers and the state supervisor, for the purpose of enforcing forest and forest preservation laws, laws of the Maine Land Use Regulation Commission and laws and rules relating to the lands under the jurisdiction of the Bureau of Parks and Lands, have statewide law enforcement powers equivalent to those of a sheriff, or a sheriff's deputy, in the sheriff's county, including the right to execute or serve criminal and civil violation processes against offenders, make warrantless arrests for crimes, investigate and prosecute offenders, require aid in executing forest ranger duties and deputize temporary aides;

B. The Director of the Bureau of Forestry, at the director's discretion, may authorize forest rangers and the state supervisor while on duty to arrest without a warrant a person who has committed or is committing in the ranger's or supervisor's presence any crime involving the use or threatened use of physical force against a person.

For the purposes of this paragraph, criminal conduct has been committed or is being committed in the presence of a law enforcement officer when one or more of the officer's senses afford that officer personal knowledge of facts that are sufficient to warrant a prudent and cautious law enforcement officer's belief that a crime involving the use or threatened use of physical force against a person is being or has just been committed and that the person arrested has commit-

ted or is committing that crime. An arrest made pursuant to this paragraph must be made at the time of the commission of the criminal conduct, or some part thereof, or within a reasonable time thereafter or upon fresh pursuit; and

C. Forest rangers and the state supervisor while on or off duty are authorized to provide assistance in a life-threatening emergency consistent with agency policies and within the scope of individual training.

Sec. 2. 12 MRSA §8901, sub-§3-A is enacted to read:

3-A. Liability. When a forest ranger or the state supervisor provides assistance under subsection 3, paragraph C, the forest ranger or the state supervisor has the same immunity from tort liability and all the pension, relief, disability, workers' compensation and insurance benefits and any other benefits the forest ranger or the state supervisor enjoys while performing duties under subsection 3, paragraphs A and B.

Sec. 3. Sale of bullet-proof vests, firearms and related equipment; Department of Conservation. Notwithstanding any other provision of law, the Commissioner of Conservation shall immediately proceed to sell all bullet-proof vests, firearms, if any, and related equipment, including, but not limited to, ammunition and boxes for storage, purchased by the Department of Conservation since July 1998 for the use of certain Bureau of Forestry employees. The materiel, including, but not limited to, ammunition, boxes for storage, bullet-proof vests and firearms, if any, must be offered at market value to any state, county or municipal law enforcement agency or the Military Bureau of the Department of Defense, Veterans and Emergency Management. Proceeds from the sale must be deposited in the General Fund as undedicated revenue. The commissioner shall report to the Joint Standing Committee on Agriculture, Conservation and Forestry and the Joint Standing Committee on Appropriations and Financial Affairs on the revenue generated by the sale no later than January 15, 2000.

Sec. 4. Prohibition. The Commissioner of Conservation may not purchase bullet-proof vests, firearms or related materiel, including, but not limited to, ammunition and boxes for storage, without specific authorization by the Legislature.

See title page for effective date.
