

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
ONE HUNDRED AND TWELFTH LEGISLATURE  
SECOND REGULAR SESSION

JOINT STANDING COMMITTEE ON  
STATE GOVERNMENT  
BILL SUMMARY



MAY 1986

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BILL SUMMARIES  
MAY 1986

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature, covering the Second Regular Session of the 112th Legislature. The summaries are arranged by LD number under each committee.

All Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor if it is a floor amendment or the designation "CA" if it is a committee amendment. If the amendment was adopted in the House, the letter H appears after the sponsor. If it was adopted in the Senate, the letter S appears.

Final action for each bill is listed to the right of the title. If final House action and Senate action differ, both are listed.

Key to Committee Reports and Floor Action:

OTP	Ought to Pass
OTP-ND	Ought to Pass in New Draft
OTP-ND-NT	Ought to Pass in New Draft, New Title
OTP-AM	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

The bill was passed by the committee in new draft, LD 2211, and provided a full time executive-director and clerk-typist. The cost for this proposal was \$54,285. In addition, the bill was an emergency measure to enable the board of directors to hire the executive director as soon as possible. The intent of the new bill was to enable the executive director to start to raise money from private and other sources.

There was opposition to the new draft in the Legislature, and the emergency preamble was removed. As a result, the allocation was reduced to \$42,825.00. The opposition argued that the intent of the original law was not to touch the first \$100,000 of revenues in the Trust Fund. It was expected that the Trust Fund would receive \$70,000 from the 1986 tax check-off.

**LD 2005** AN ACT TO AMEND THE REQUIREMENT THAT ALL PART-TIME LAW ENFORCEMENT OFFICERS BE TRAINED BY THE MAINE CRIMINAL JUSTICE ACADEMY

Sponsor: WEBSTER, C., Rotondi, McGowan, Dexter  
Committee Report: ONTP, OTP-AM

S-410 CA H

SUMMARY: LD 2005 proposed to exempt from the mandatory police training requirements, part-time and reserve law enforcement officers employed by a municipality or county as of September 23, 1983 and who had 5 years previous experience (since 1970) as a law enforcement officer.

Background

There are roughly 1700 law enforcement officers in Maine including the State Police. These law enforcement officers are employed as follows:

320 by the State  
980 by municipalities  
400 by counties.

The 111th Legislature enacted into law in 1983, mandatory training requirements for part-time and reserve law enforcement officers (earn less than \$6,000/yr as law enforcement officers). The 111th Legislature also added a provision that extended the training date deadline to January 1, 1986 when all part-time and reserve officers would have to be trained. Any newly employed law enforcement officers, however, were still required to be trained within the first year of employment.

The legislation was enacted because part-time and reserve officers were empowered to arrest people, carry and use a weapon, engage in high-speed vehicle chases, etc., without any training requirements.

According to the Maine Criminal Justice Academy, roughly 1600 part-time and reserve officers have been trained since the 1983 law went into effect. There are roughly 91 part-time/reserve municipal and county law enforcement officers who are not certified. Of the 91 non-certified law enforcement officers, 42 are currently enrolled in training programs and 25 are within the first 6 months of first year of employment. There are 24 officers in violation of the statutes. Of these 24 officers, 9 were appointed before September of 1979.

Of the 24 in violation of the statutes, some have enrolled in training and some left police work. Currently, approximately 5 have been suspended because they are in violation of the law with respect to training requirements.

Testimony indicated that some part-time officers have 20 or more years of service in police work and believe that it is not necessary for them to receive training. These officers argue that when training became mandatory for full-time law enforcement officers, 1971-72, all police officers then employed as full-time officers (1000) were "grandfathered," of which only 100 remain as untrained full-time officers. When part-time law enforcement officers were required to receive training, there were no "grandfathering" provisions in the 1983 law.

A majority of the State Government Committee rejected LD 2005 on the grounds that roughly 1600 part-time officers sacrificed time and effort to obtain police training, and it would be unfair to these persons to exempt 5-20 people who refused to obtain training. In addition, part-time training is provided throughout the state and is made accessible to persons in remote areas. The majority also cited the need for additional training to keep abreast of new ideas and new procedures in police work.

A minority of the State Government Committee supported "grandfathering" provisions to establish equity with respect to full-time and part-time law enforcement officers. The minority report exempted from training any part-time law enforcement officer employed continuously in law enforcement since 1970. Any part-time law enforcement officer initially employed during the period from September 14, 1979 to September 22, 1983 could obtain waivers for training received or courses taken. This was the period during which training was optional.

The minority report passed in the House, but failed in the Senate.

LD 2013 AN ACT RELATING TO BOARDS AND COMMISSIONS

ND LD 2269

Sponsor: GWADOSKY  
Committee Report: OTP-ND

SUMMARY: LD 2013 proposed to prohibit service as a member on a board or commission to qualify for state retirement benefits. In addition, the bill:

1. increased the compensation of the Maine Health Care Finance Commission from \$100 to \$150 per day,
2. provided a per diem rate of \$35/day to the State Board of Education, and
3. provided a per diem rate of \$35/day to the Board of Trustees of the Maine Vocational Technical Institutes.

#### Background

The State Government Committee of the 111th Legislature conducted a study of boards and commissions in 1983. The Committee inventoried boards and commissions of state government and established standards for compensating members of boards and commissions. The law enacted in 1984 establishes the following general standards:

1. No board should be compensated at a rate exceeding the daily compensation rate paid to Legislators at special sessions (\$50/day) unless the board engages in substantive decision making that has a significant impact upon a substantial portion of the general public,
2. advisory board members should not be compensated at a rate exceeding \$25/day,
3. service on a board or commission is an honor, and board members should not be compensated at a rate equivalent to rates paid in the private sector. The board members should be willing to sacrifice time and money to provide service to the State.

The committee also found that some boards were eligible for retirement benefits despite the fact that the members were not state employees. The State Government Committee intended to prohibit this practice by law, but the prohibition was inadvertently omitted.