

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
126<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE  
AND PUBLIC SAFETY**

July 2013

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# STATE OF MAINE

126<sup>TH</sup> LEGISLATURE

FIRST REGULAR SESSION



## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 126<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

*CARRIED OVER* ..... carried over to a subsequent session of the Legislature  
*CON RES XXX*..... chapter # of constitutional resolution passed by both houses  
*CONF CMTE UNABLE TO AGREE*.....Committee of Conference unable to agree; legislation died  
*DIED BETWEEN HOUSES*.....House & Senate disagreed; legislation died  
*DIED IN CONCURRENCE*.....defeated in each house, but on different motions; legislation died  
*DIED ON ADJOURNMENT*..... action incomplete when session ended; legislation died  
*EMERGENCY*..... enacted law takes effect sooner than 90 days after session adjournment  
*FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE* ..... emergency failed to receive required 2/3 vote  
*FAILED, ENACTMENT or FINAL PASSAGE*..... failed to receive final majority vote  
*FAILED, MANDATE ENACTMENT* ..... legislation proposing local mandate failed required 2/3 vote  
*HELD BY GOVERNOR*..... Governor has not signed; final disposition to be determined at subsequent session  
*LEAVE TO WITHDRAW*..... sponsor's request to withdraw legislation granted  
*NOT PROPERLY BEFORE THE BODY* ..... ruled out of order by the presiding officer; legislation died  
*INDEF PP*..... indefinitely postponed; legislation died  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*... ought-not-to-pass report accepted; legislation died  
*P&S XXX*..... chapter # of enacted private & special law  
*PUBLIC XXX*.....chapter # of enacted public Law  
*RESOLVE XXX*..... chapter # of finally passed resolve  
*VETO SUSTAINED*..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 126<sup>th</sup> Legislature is October 9, 2013. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

*Joint Standing Committee on Criminal Justice and Public Safety*

**LD 1432**

**An Act To Revise the Laws of the Maine Criminal Justice Academy**

**PUBLIC 147**

Sponsor(s)

PLUMMER  
DION

Committee Report

OTP

Amendments Adopted

This bill makes changes to the law related to criminal justice training and certification.

1. It makes minor technical changes to reflect current practice for the Maine Criminal Justice Academy and clearly identifies the purpose of the Maine Criminal Justice Academy Board of Trustees.
2. It eliminates the separate definitions for state and county corrections officers. It simplifies the definition of "judicial marshal." It eliminates the definition of "part-time corrections officer." It redefines "full-time law enforcement officer," "law enforcement officer," "part-time law enforcement officer" and "transport officer" for statewide application of the law.
3. It clarifies annual training and certification requirements.
4. It changes the makeup of the Maine Criminal Justice Academy Board of Trustees to specifically include a district attorney or a criminal prosecutor from a district attorney's office.
5. It eliminates outdated language concerning the establishment of minimum standards and sets deadlines for the agencies to comply with the standards and policies and for annual certification of any changes in the policies.
6. It amends the penalty section to add that an individual may also receive a civil penalty of up to \$500 for violating any provision of the laws relating to law enforcement officers.
7. It reorganizes the same language regarding the custodian of the records so the provisions apply to all records.
8. It requires all corrections officers, whether employed as part-time or full-time officers, to be trained and certified to the same standards, regardless of how many annual hours worked.
9. It specifies that all law enforcement officers and corrections officers must complete the in-service training and may be disciplined by the board for not doing so, clarifies the role of the board involving in-service training and permits in-service training to be provided by either the Maine Criminal Justice Academy or the employing law enforcement agency.
10. It amends the law concerning the complaint review committee of the board to allow it to investigate any person holding a certificate issued by the board, not just law enforcement and corrections officers, and makes the process consistent with the due process guidelines of the Maine Administrative Procedure Act.
11. It makes more specific and expands the list of behaviors subject to disciplinary action by the board.
12. It allows the board to bring an action in court to enjoin a person from violating any provision of the laws relating to law enforcement officers regardless of whether civil or administrative proceedings have been or may be instituted.
13. It requires a chief administrative officer to report criminal convictions or criminal conduct of any certificate holder or potential certificate holder to the Director of the Maine Criminal Justice Academy within 30 days.

## *Joint Standing Committee on Criminal Justice and Public Safety*

14. It requires reimbursement to a law enforcement agency for the cost of basic training regardless of the reason an officer left the agency if the officer is hired by another law enforcement agency and allows for a mutual agreement between two agencies on reimbursement.

### **Enacted Law Summary**

Public Law 2013, chapter 147 makes changes to the law related to criminal justice training and certification.

1. It makes minor technical changes to reflect current practice for the Maine Criminal Justice Academy and identifies the purpose of the Maine Criminal Justice Academy Board of Trustees.
2. It eliminates the separate definitions for state and county corrections officers. It simplifies the definition of "judicial marshal." It eliminates the definition of "part-time corrections officer." It redefines "full-time law enforcement officer," "law enforcement officer," "part-time law enforcement officer" and "transport officer" for statewide application of the law.
3. It clarifies annual training and certification requirements.
4. It changes the makeup of the Maine Criminal Justice Academy Board of Trustees to specifically include a district attorney or a criminal prosecutor from a district attorney's office.
5. It eliminates outdated language concerning the establishment of minimum standards and sets deadlines for the agencies to comply with the standards and policies and for annual certification of any changes in the policies.
6. It amends the penalty section to add that an individual may also receive a civil penalty of up to \$500 for violating any provision of the laws relating to law enforcement officers.
7. It reorganizes the same language regarding the custodian of the records so the provisions apply to all records.
8. It requires all corrections officers, whether employed as part-time or full-time officers, to be trained and certified to the same standards, regardless of how many annual hours worked.
9. It specifies that all law enforcement officers and corrections officers must complete the in-service training and may be disciplined by the board for not doing so, clarifies the role of the board involving in-service training and permits in-service training to be provided by either the Maine Criminal Justice Academy or the employing law enforcement agency.
10. It amends the law concerning the complaint review committee of the board to allow it to investigate any person holding a certificate issued by the board, not just law enforcement and corrections officers, and makes the process consistent with the due process guidelines of the Maine Administrative Procedure Act.
11. It makes more specific and expands the list of behaviors subject to disciplinary action by the board.
12. It allows the board to bring an action in court to enjoin a person from violating any provision of the laws relating to law enforcement officers regardless of whether civil or administrative proceedings have been or may be instituted.
13. It requires a chief administrative officer to report criminal convictions or criminal conduct of any certificate holder or potential certificate holder to the Director of the Maine Criminal Justice Academy within 30 days.
14. It requires reimbursement to a law enforcement agency for the cost of basic training regardless of the reason an officer left the agency if the officer is hired by another law enforcement agency and allows for a mutual agreement between two agencies on reimbursement.