



# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 1432

S.P. 518

In Senate, April 23, 2013

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

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Submitted by the Department of Public Safety pursuant to Joint Rule 204.

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator PLUMMER of Cumberland.  
Cosponsored by Representative DION of Portland.

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

2 **Sec. 1. 17-A MRSA §1058, sub-§2, ¶C**, as enacted by PL 2007, c. 466, Pt. C,  
3 §6, is amended to read:

4 C. An employee of a courier or security service in the course and scope of  
5 employment for the courier or security service, as approved by the ~~state~~ judicial  
6 marshal.

7 **Sec. 2. 25 MRSA §1611, sub-§5**, as amended by PL 2009, c. 421, §2, is further  
8 amended to read:

9 **5. Law enforcement officer or officer.** "Law enforcement officer" or "officer"  
10 means an active state police officer, municipal police officer, county sheriff, deputy  
11 sheriff, game warden, an employee of the Office of the State Fire Marshal who has law  
12 enforcement powers pursuant to section 2396, subsection 7, fire marshal, ~~state judicial~~  
13 ~~marshal or state judicial deputy~~ marshal, forest ranger, Baxter State Park ranger, a  
14 detective employed by the Office of the Attorney General pursuant to Title 5, section 202,  
15 a person employed by the Department of Corrections as an investigative officer as  
16 defined in Title 34-A, section 1001, subsection 10-A, a juvenile community corrections  
17 officer as described in Title 34-A, section 5602, a probation officer, a security officer  
18 appointed by the Commissioner of Public Safety pursuant to section 2908, a motor  
19 vehicle investigator or supervisor appointed by the Secretary of State pursuant to Title  
20 29-A, section 152, a military security police officer appointed by the Adjutant General, a  
21 University of Maine System police officer or marine patrol officer in this State.

22 **Sec. 3. 25 MRSA §2002, sub-§1**, as amended by PL 1989, c. 917, §7, is further  
23 amended to read:

24 **1. Corrections officer.** "Corrections officer" has the same meaning as set forth in  
25 section 2801-A, subsection 2, ~~paragraph A~~.

26 **Sec. 4. 25 MRSA §2801**, as amended by PL 2005, c. 331, §1, is repealed and the  
27 following enacted in its place:

28 **§2801. Maine Criminal Justice Academy; purpose**

29 **1. Purpose of academy.** The purpose of the Maine Criminal Justice Academy is to  
30 provide a central training facility for criminal justice personnel. The academy shall  
31 promote the highest levels of professional law enforcement performance and facilitate  
32 coordination and cooperation between various criminal justice agencies.

33 **2. Purpose of board of trustees.** The purpose of the Maine Criminal Justice  
34 Academy Board of Trustees is to protect the public health and welfare. The board carries  
35 out this purpose by ensuring that the public is served by competent and honest criminal  
36 justice practitioners and by establishing minimum standards of proficiency in the  
37 regulated professions by examining, licensing, regulating and disciplining practitioners of  
38 those regulated professions, as are identified in this chapter. Other goals or objectives  
39 may not supersede this purpose.

1           **Sec. 5. 25 MRSA §2801-A**, as amended by PL 2005, c. 519, Pt. XXX, §2, is  
2 further amended to read:

3           **§2801-A. Definitions**

4           As used in this chapter, unless the context indicates otherwise, the following terms  
5 have the following meanings.

6           **1. Board.** "Board" means the Board of Trustees of the Maine Criminal Justice  
7 Academy.

8           **2. Corrections officer.** "Corrections officer" means: a person who is responsible for  
9 the custody or direct supervision of a person confined in a jail, prison or state correctional  
10 facility pursuant to an order of a court or as a result of an arrest and who possesses a  
11 current and valid certificate issued by the board pursuant to section 2803-A.

12           ~~A. For state agencies, the following class titles and their successor titles:~~

13                     ~~(1) Training School Counselor I and II;~~

14                     ~~(2) Training School Counselor Supervisor;~~

15                     ~~(3) Corrections Officer I, II and III;~~

16                     ~~(4) Guard;~~

17                     ~~(5) Guard Sergeant;~~

18                     ~~(6) Guard Lieutenant; and~~

19                     ~~(7) Guard Captain; and~~

20           ~~B. For county, municipal and other agencies subject to this chapter, a person~~  
21 ~~responsible for the custody of persons confined in a penal institution pursuant to an~~  
22 ~~order of a court or as a result of an arrest. As used in this paragraph, "penal~~  
23 ~~institution" has the same meaning as in Title 15, section 1461, subsection 1.~~

24           **2-A. Judicial marshal.** "State judicial Judicial marshal" or "state judicial deputy  
25 marshal" means a law enforcement officer who possesses a current and valid certificate  
26 issued by the board pursuant to section 2803-A and is employed by the Judicial Branch a  
27 nonfederal employer to provide security and protection to the Judicial Branch and the  
28 courts located within the State.

29           ~~**3. Full-time corrections officer.** "Full time corrections officer" means a person~~  
30 ~~who is employed as a corrections officer with a reasonable expectation of working more~~  
31 ~~than 1,040 hours in any one calendar year for performing corrections officer duties.~~

32           **4. Full-time law enforcement officer.** "Full-time law enforcement officer" means a  
33 person who possesses a current and valid certificate issued by the board pursuant to  
34 section 2803-A and is employed as a law enforcement officer by a municipality, a county,  
35 the State or any other nonfederal employer with a reasonable expectation of working  
36 more than 1,040 hours in any one calendar year for performing law enforcement officer  
37 duties.

1           **5. Law enforcement officer.** "Law enforcement officer" means ~~any~~ a person who  
2 by virtue of public employment is vested by law with the power to make arrests for  
3 crimes or serve criminal process, whether that power extends to all crimes or is limited to  
4 specific crimes and who possesses a current and valid certificate issued by the board  
5 pursuant to section 2803-A. As used in this chapter, ~~the term~~ "law enforcement officer"  
6 does not include federal law enforcement officers or attorneys prosecuting for the State.

7           ~~**6. Part-time corrections officer.** "Part-time corrections officer" means a person~~  
8 ~~who is employed as a corrections officer with a reasonable expectation of working no~~  
9 ~~more than 1,040 hours in any one calendar year for performing corrections officer duties.~~

10           **7. Part-time law enforcement officer.** "Part-time law enforcement officer" means a  
11 person who ~~is employed as a law enforcement officer with a reasonable expectation of~~  
12 ~~working no more than 1,040 hours in any one calendar year for performing law~~  
13 ~~enforcement officer duties.;~~

14           A. Possesses a current and valid certificate issued by the board pursuant to section  
15 2803-A to perform duties as a part-time law enforcement officer and does not possess  
16 any other type of current and valid certificate issued by the board pursuant to section  
17 2803-A;

18           B. Is employed as a law enforcement officer; and

19           C. Absent extenuating circumstances as determined by the board, works not more  
20 than 1,040 hours in any one calendar year for performing law enforcement duties.

21           **8. Transport officer.** "Transport officer" means a person who is responsible for  
22 transferring or conveying from one place to another individuals who are confined in a  
23 ~~penal institution~~ jail, prison or state correctional facility pursuant to an order of a court or  
24 as a result of an arrest and who possesses a current and valid certificate issued by the  
25 board pursuant to section 2803-A. ~~As used in this subsection, "penal institution" has the~~  
26 ~~same meaning as in Title 15, section 1461, subsection 1.~~

27           **Sec. 6. 25 MRSA §2801-B,** as amended by PL 2011, c. 657, Pt. W, §§5 and 7, is  
28 further amended to read:

29           **§2801-B. Application of chapter; exemption**

30           **1. Training and policy exemption.** The training standards of this chapter and the  
31 requirements of section 2803-B do not apply to a person defined by this chapter as a law  
32 enforcement officer who is:

33           A. An employee of the Department of Corrections with a duty to perform probation  
34 functions or to perform intensive supervision functions or who is an adult probation  
35 supervisor as defined in Title 17-A, section 2, subsection 3-C or an investigative  
36 officer or other employee of the Department of Corrections authorized to exercise  
37 law enforcement powers as described in Title 34-A, section 3011;

38           B. An agent or a representative of the Department of Agriculture, Conservation and  
39 Forestry, Division of Parks and Public Lands whose law enforcement powers are  
40 limited to those specified in Title 12, section 1806;

- 1 C. An agent or a representative of the Department of Agriculture, Conservation and
- 2 Forestry, Division of Forestry whose law enforcement powers are limited to those
- 3 specified by Title 12, section 8901, subsection 3;
- 4 E. A harbor master;
- 5 F. A municipal shellfish conservation warden;
- 6 G. A ~~security~~ police officer appointed by the Commissioner of Public Safety
- 7 pursuant to section 2908;
- 8 H. The State Fire Marshal or Assistant State Fire Marshal;
- 9 J. A ~~state judicial marshal or state judicial deputy marshal~~;
- 10 K. A contract officer appointed by the Commissioner of Public Safety pursuant to
- 11 Title 28-A, section 82-A; or
- 12 L. A transport officer.

13 This exemption does not include certification training requirements set out in this chapter  
14 that are specific to the positions identified in this subsection or, in the case of an  
15 investigative officer as described in Title 34-A, section 3011, training requirements set  
16 out in this chapter other than those of section 2803-B.

17 **2. Education, training and certification training required.** A law enforcement  
18 officer listed in subsection 1 must possess a current and valid certificate issued by the  
19 board prior to carrying out any law enforcement duties. The directors of the state  
20 agencies listed in subsection 1 shall provide adequate education and training for all law  
21 enforcement officers within their jurisdiction annually and provide documentation to the  
22 board by December 31st of each year. The board shall advise the directors concerning  
23 appropriate and adequate training.

24 **Sec. 7. 25 MRSA §2802, first ¶**, as amended by PL 2005, c. 331, §7, is further  
25 amended to read:

26 There is created a board of trustees for the academy consisting of 17 members as  
27 follows: the Commissioner of Public Safety, ex officio, the Attorney General, ex officio,  
28 the Game Warden Colonel in the Department of Inland Fisheries and Wildlife, ex officio,  
29 the Commissioner of Corrections, ex officio, and the Chief of the State Police, ex officio,  
30 and the following to be appointed by the Governor: a county sheriff, a chief of a  
31 municipal police department, 2 officers of municipal police departments who are not  
32 police chiefs, an educator who is not and has never been a sworn member of a law  
33 enforcement agency, a ~~representative from a criminal justice agency not involved in the~~  
34 ~~general enforcement of Maine criminal laws~~ criminal prosecutor from one of the offices  
35 of the District Attorney, a representative of a federal law enforcement agency, 3 citizens  
36 each of whom ~~are~~ is not and ~~have~~ has never been ~~a sworn members~~ member of a law  
37 enforcement agency, a municipal official who is not and has never been a sworn member  
38 of a law enforcement agency and one nonsupervisory corrections officer representing a  
39 state or county correctional facility.

40 **Sec. 8. 25 MRSA §2803-A, sub-§5**, as enacted by PL 1989, c. 521, §§4 and 17,  
41 is amended to read:

1           **5. Training and certification of corrections officers in State.** In accordance with  
2 ~~the requirements of this chapter, to approve~~ establish training programs and certification  
3 standards for all corrections officers, including ~~prescription of set requirements for~~  
4 board-approved courses, prescribe curriculum and setting of standards for graduation  
5 ~~from those approved programs and certification of~~ certify graduates of board-approved  
6 courses and persons graduating from the basic training course prescribed in ~~for whom the~~  
7 board has waived the training requirements of this chapter. Certification ~~shall~~ must be  
8 based on the officer's demonstration of having acquired specific knowledge and skills  
9 directly related to job performance;

10           **Sec. 9. 25 MRSA §2803-A, sub-§5-A** is enacted to read:

11           **5-A. Training of corrections employees with law enforcement powers.** To  
12 establish certification standards and a preservice and in-service training program for  
13 employees of the Department of Corrections authorized to exercise law enforcement  
14 powers as described in Title 34-A, section 3011. This program must include:

15           A. Preservice law enforcement training under section 2804-B;

16           B. In-service law enforcement training that is specifically approved by the board as  
17 prescribed in section 2804-E.

18           Except for investigative officers, these employees of the Department of Corrections are  
19 exempt from section 2804-C, but completion of the basic training under section 2804-C  
20 exempts a person from the preservice training requirements under paragraph A;

21           **Sec. 10. 25 MRSA §2803-A, sub-§8-B,** as amended by PL 2005, c. 519, Pt.  
22 XXX, §4, is further amended to read:

23           **8-B. Training of judicial marshals.** To establish certification standards and a  
24 preservice and in-service training program for ~~state~~ judicial marshals ~~and state judicial~~  
25 ~~deputy marshals.~~ This program must include:

26           A. Preservice law enforcement training under section 2804-B;

27           B. An additional ~~40-hour~~ basic court security judicial marshal training program  
28 developed and approved by the board that is specific to the duties of a ~~state~~ judicial  
29 marshal ~~or state judicial deputy marshal;~~ and

30           C. In-service law enforcement training that is specifically approved by the board as  
31 prescribed in section 2804-E.

32 ~~State judicial~~ Judicial marshals ~~and state judicial deputy marshals~~ are exempt from  
33 section 2804-C, but completion of basic training under section 2804-C exempts a person  
34 from the preservice training requirement under paragraph A;

35           **Sec. 11. 25 MRSA §2803-A, sub-§8-C,** as enacted by PL 2005, c. 331, §13, is  
36 amended to read:

37           **8-C. Training of transport officers.** To establish certification standards and a  
38 training program for transport officers. This program must include ~~the preservice law~~  
39 ~~enforcement training under section 2804-B;~~

- 1           A. The preservice law enforcement training under section 2804-B; and  
2           B. In-service law enforcement training that is specifically approved by the board as  
3           prescribed in section 2804-E;

4           **Sec. 12. 25 MRSA §2803-A, sub-§9**, as enacted by PL 1989, c. 521, §§4 and 17,  
5 is amended to read:

6           **9. Other training programs.** To establish, ~~within the limits of funds available and~~  
7 ~~with the approval of the commissioner,~~ additional training programs considered to be  
8 beneficial to law enforcement officers, corrections officers and other criminal justice  
9 personnel;

10           **Sec. 13. 25 MRSA §2803-A, sub-§15**, as enacted by PL 1989, c. 521, §§4 and  
11 17, is amended to read:

12           **15. Revocation or suspension of certification.** To ~~revoke or suspend a~~ take  
13 disciplinary action concerning any certificate issued under section 2806 by the board,  
14 including but not limited to suspension or revocation; and

15           **Sec. 14. 25 MRSA §2803-A, sub-§16**, as amended by PL 2005, c. 331, §15, is  
16 further amended to read:

17           **16. Provide assistance and materials.** To provide to state, municipal and county  
18 corrections officers and state, municipal and county law enforcement officers any  
19 assistance or instructional materials the board considers necessary to fulfill the purposes  
20 of this chapter and Title 30-A, sections 381 and 2671-;

21           **Sec. 15. 25 MRSA §2803-A, sub-§§17 to 19** are enacted to read:

22           **17. Acceptance of gifts.** To accept, as recommended by the Director of the Maine  
23 Criminal Justice Academy, money, goods and services, gifts, bequests and endowments  
24 donated to the Maine Criminal Justice Academy to support any activities carried out by  
25 the Maine Criminal Justice Academy pursuant to this chapter. Any money donated to the  
26 academy and any proceeds from the sale of property bequeathed to the board pursuant to  
27 this section must be deposited in the academy's Other Special Revenue Funds account;

28           **18. Rules.** To adopt rules as the board determines necessary and proper to carry out  
29 this chapter. Rules adopted pursuant to this subsection are routine technical rules as  
30 defined in Title 5, chapter 375, subchapter 2-A; and

31           **19. Issuance of subpoenas.** To conduct investigations and issue subpoenas to assist  
32 with investigations or as otherwise considered necessary for the fulfillment of its  
33 responsibilities and to hold hearings and issue subpoenas for witnesses, records and  
34 documents in the name of the board in accordance with the terms of Title 5, section 9060,  
35 except that the subpoena authority applies to any stage or type of an investigation and is  
36 not limited to an adjudicatory hearing.

37           **Sec. 16. 25 MRSA §2803-B, sub-§1, ¶C**, as enacted by PL 1993, c. 744, §5, is  
38 repealed.

1           **Sec. 17. 25 MRSA §2803-B, sub-§1, ¶J**, as amended by PL 2009, c. 451, §1, is  
2 further amended to read:

3           J. Public notification regarding persons in the community required to register under  
4 Title 34-A, ~~chapter~~ chapters 15 and 17;

5           **Sec. 18. 25 MRSA §2803-B, sub-§1, ¶K**, as amended by PL 2009, c. 451, §2, is  
6 further amended to read:

7           K. Digital, electronic, audio, video or other recording of law enforcement interviews  
8 of suspects in serious crimes and the preservation of investigative notes and records  
9 in such cases; ~~and~~

10           **Sec. 19. 25 MRSA §2803-B, sub-§1, ¶L**, as enacted by PL 2009, c. 451, §3, is  
11 amended to read:

12           L. Mental illness and the process for involuntary commitment-; and

13           **Sec. 20. 25 MRSA §2803-B, sub-§1, ¶M** is enacted to read:

14           M. Freedom of access requests. The chief administrative officer of a municipal,  
15 county or state law enforcement agency shall certify to the board annually that the  
16 agency has adopted a written policy regarding procedures to deal with a freedom of  
17 access request and that the chief administrative officer has designated a person who is  
18 trained to respond to a request received by the agency pursuant to Title 1, chapter 13.

19           **Sec. 21. 25 MRSA §2803-B, sub-§2**, as amended by PL 2011, c. 680, §5, is  
20 repealed and the following enacted in its place:

21           **2. Minimum policy standards.** The board shall establish minimum standards for  
22 each law enforcement policy pursuant to subsection 1 with the exception of the freedom  
23 of access policy under subsection 1, paragraph M. Minimum standards of new  
24 mandatory policies enacted by law must be adopted by the board no later than December  
25 31st of the year in which the law takes effect.

26           **Sec. 22. 25 MRSA §2803-B, sub-§3**, as amended by PL 2011, c. 680, §6, is  
27 repealed and the following enacted in its place:

28           **3. Agency compliance.** The chief administrative officer of each law enforcement  
29 agency shall certify to the board annually no later than January 1st of each year that the  
30 agency has adopted written policies consistent with the minimum standards established or  
31 amended by the board and that all officers have received orientation and training with  
32 respect to new mandatory policies or new mandatory policy changes pursuant to  
33 subsection 2. New mandatory policies enacted by law must be implemented by all law  
34 enforcement agencies no later than the July 1st after the board has adopted the minimum  
35 standards.

36           **Sec. 23. 25 MRSA §2803-B, sub-§6**, as enacted by PL 2003, c. 185, §1, is  
37 repealed.

1           **Sec. 24. 25 MRSA §2803-B, sub-§7**, as enacted by PL 2009, c. 336, §18, is  
2 repealed.

3           **Sec. 25. 25 MRSA §2803-C**, as enacted by PL 2005, c. 331, §18, is amended to  
4 read:

5           **§2803-C. Penalty**

6           An agency ~~that~~ or individual who fails to comply with a provision of this chapter  
7 commits a civil violation for which the State or the local government entity whose officer  
8 or employee committed the violation or the individual who committed the violation may  
9 be adjudged a fine not to exceed \$500.

10           **Sec. 26. 25 MRSA §2803-D** is enacted to read:

11           **§2803-D. Certificate admissible**

12           Notwithstanding any other law or rule of evidence, a certificate issued by the  
13 custodian of the records of the board, when signed and sworn to by that custodian, or the  
14 custodian's designee, is admissible in a judicial or administrative proceeding as prima  
15 facie evidence of any fact stated in the certificate.

16           **Sec. 27. 25 MRSA §2804-A, first ¶**, as amended by PL 2005, c. 331, §19, is  
17 further amended to read:

18           The Commissioner of Public Safety, with the advice and ~~consideration~~ consent of the  
19 board of trustees, shall appoint a director, who is the administrator of the academy and  
20 the executive director of the board. Qualifications of the director must be established by  
21 the commissioner and the board jointly. The salary of the director must be established by  
22 the commissioner and the board jointly. The director may be dismissed for cause by the  
23 commissioner with the approval of the board.

24           **Sec. 28. 25 MRSA §2804-B, sub-§7**, as amended by PL 1993, c. 551, §1, is  
25 further amended to read:

26           **7. Part-time law enforcement officers.** The board shall certify law enforcement  
27 officers who successfully complete preservice law enforcement training and who have  
28 qualified with a firearm using the board firearm proficiency standards as ~~reserve or~~ part-  
29 time law enforcement officers. Thereafter, as a condition of continued service as a  
30 ~~reserve or~~ part-time law enforcement officer, the officer must satisfactorily maintain the  
31 preservice certification. The board shall maintain a roster of all currently certified ~~reserve~~  
32 ~~or~~ part-time law enforcement officers. The roster must be available for inspection by the  
33 public at the academy during regular working hours.

34           **Sec. 29. 25 MRSA §2804-C, sub-§1**, as amended by PL 2005, c. 331, §21, is  
35 further amended to read:

36           **1. Required.** As a condition to the continued employment of any person as a full-  
37 time law enforcement officer by a municipality, a county, the State or any other  
38 nonfederal employer, that person must successfully complete, within the first 12 months

1 of initial full-time employment, the basic training course at the Maine Criminal Justice  
2 Academy approved by the board. If a person's failure to comply with this requirement  
3 was a result of that person's failure to satisfy any of the admission standards applicable to  
4 the basic training course and that person is subsequently employed as a full-time law  
5 enforcement officer within 12 months of termination of the initial employment by a  
6 municipality, a county, the State or any other nonfederal employer, the person must have  
7 satisfied all the admission standards established by the board prior to the satisfaction of  
8 ~~the board at the time of hire.~~ As a condition of continued employment as a full-time law  
9 enforcement officer, the officer must satisfactorily maintain the basic certification by  
10 completing the recertification requirements prescribed by the board. The board, under  
11 extenuating and emergency circumstances in individual cases, may extend the 12-month  
12 period for not more than 180 days. The board also, in individual cases, may waive the  
13 basic training requirement when the facts indicate that an equivalent course has been  
14 successfully completed. ~~This section does not apply to any person employed as a full-~~  
15 ~~time law enforcement officer by a municipality on September 23, 1971 or by a county on~~  
16 ~~July 1, 1972.~~

17 **Sec. 30. 25 MRSA §2804-C, sub-§2-C**, as enacted by PL 2005, c. 684, §1, is  
18 amended to read:

19 **2-C. Receipt of firearms; training; procedure; liability.** ~~Beginning January 1,~~  
20 ~~2008, the~~ The Maine Criminal Justice Academy shall provide training for municipal,  
21 county and state law enforcement officers regarding the proper handling, storage,  
22 safekeeping and return of firearms and firearm accessories received pursuant to a court  
23 order under Title 19-A, section 4006, subsection 2-A or Title 19-A, section 4007,  
24 subsection 1, paragraph A-1. Such training must include education concerning the  
25 prohibitions on the purchase or possession of a firearm when a protection order has been  
26 obtained and communication with parties to protection orders concerning such  
27 prohibitions.

28 In developing materials for training in domestic violence issues, the Maine Criminal  
29 Justice Academy may consult with a statewide organization involved in advocacy for  
30 victims of domestic violence and with an organization having statewide membership  
31 representing the interests of firearms owners.

32 A law enforcement officer who receives custody of a firearm pursuant to Title 19-A,  
33 section 4006, subsection 2-A or Title 19-A, section 4007, subsection 1, paragraph A-1  
34 shall exercise reasonable care to avoid loss, damage or reduction in value of the firearm  
35 and may not permanently mark the firearm or fire the firearm unless there is reasonable  
36 suspicion that the firearm has been used in the commission of a crime. Any liability for  
37 damage or reduction in value to such a firearm is governed by Title 14, chapter 741.

38 **Sec. 31. 25 MRSA §2804-C, sub-§3**, as enacted by PL 1989, c. 521, §§5 and 17,  
39 is amended to read:

40 **3. Certification.** The board shall certify each ~~law enforcement officer~~ person who  
41 meets the core curriculum training requirements.

1           **Sec. 32. 25 MRSA §2804-C, sub-§5**, as enacted by PL 1989, c. 521, §§5 and 17,  
2 is amended to read:

3           **5. Application to currently certified law enforcement officers.** This section does  
4 not apply to any law enforcement officer certified as meeting the law enforcement  
5 training requirements or to any full-time law enforcement officer employed by a state  
6 agency, including the University of Maine System, as of July 1, 1990 or to any person  
7 employed as a full-time law enforcement officer by a municipality on September 23,  
8 1971 or by a county on July 1, 1972.

9           **Sec. 33. 25 MRSA §2804-D**, as amended by PL 2001, c. 386, §6, is further  
10 amended to read:

11           **§2804-D. Basic corrections training**

12           **1. Required.** As a condition to the continued employment of any person as a ~~full-~~  
13 ~~time~~ corrections officer ~~by a municipality, a county, the State or any other nonfederal~~  
14 ~~employer~~, that person must successfully complete, within the first 12 months of  
15 employment, a basic training course ~~of not less than 80 hours~~ as approved by the board.  
16 Thereafter, as a condition of continued employment as a ~~full-time~~ corrections officer, the  
17 officer must satisfactorily maintain the basic certification. The board, under extenuating  
18 and emergency circumstances in individual cases, may extend the 12-month period for  
19 not more than ~~90~~ 180 days. The board, in individual cases, may waive basic training  
20 requirements when the facts indicate that an equivalent course has been successfully  
21 completed in another state or federal jurisdiction ~~within the 2 years immediately~~  
22 ~~preceding employment.~~ ~~This section applies to any person employed as a full-time~~  
23 ~~corrections officer on or after July 6, 1978. Administrators of facilities where there are~~  
24 ~~corrections officers who are not full-time are encouraged to develop an orientation~~  
25 ~~program for those persons.~~ A full-time correctional trade instructor hired after January 1,  
26 2002 must meet the training requirements established under this subsection for ~~full-time~~  
27 corrections officers.

28           **Sec. 34. 25 MRSA §2804-E**, as amended by PL 1997, c. 395, Pt. O, §5, is further  
29 amended to read:

30           **§2804-E. In-service law enforcement training**

31           **1. Required.** As a condition to the continued employment of a person as a law  
32 enforcement officer with the power to make arrests or the authority to carry a firearm in  
33 the course of duty by a municipality, county, the State or other nonfederal employer, that  
34 person must successfully complete in-service training as prescribed by the board. Failure  
35 to successfully complete in-service training by a law enforcement officer as prescribed by  
36 the board constitutes grounds to suspend or revoke a certificate issued by the board  
37 pursuant to section 2803-A.

38           **2. Role of board.** The board shall establish in-service recertification training  
39 requirements, consistent with subsection 1, and coordinate delivery of in-service training  
40 ~~with postsecondary schools and other institutions and law enforcement agencies and~~  
41 ~~administer in-service training programs.~~ The in-service recertification training

1 requirements must include information on new laws and court decisions and on new  
2 enforcement practices demonstrated to reduce crime or increase officer safety. The board  
3 shall consider and encourage the use of telecommunications technology in the  
4 development and delivery of in-service training programs. In establishing the  
5 recertification training requirements, the board shall cooperate with the state and local  
6 departments and agencies to which the in-service requirements apply to ensure that the  
7 standards are appropriate. In-service training may not be applied to satisfy in-service  
8 recertification training requirements unless it is approved by the board.

9 ~~3. **Additional certificates.** The board may offer additional certificates to be~~  
10 ~~awarded for completion of additional education, experience and certified board approved~~  
11 ~~training.~~

12 **4. Credit for continuing education.** The board may grant in-service training credits  
13 to be applied to in-service recertification training requirements for courses completed at  
14 accredited colleges and universities.

15 5. Provision of in-service training. In-service training programs that meet the  
16 requirements established under subsection 2 or other in-service training programs may be  
17 provided by the Maine Criminal Justice Academy or the agency employing the law  
18 enforcement officer.

19 **Sec. 35. 25 MRSA §2804-F**, as enacted by PL 1989, c. 521, §§5 and 17, is  
20 amended to read:

21 **§2804-F. In-service corrections training**

22 **1. Required.** As a condition to the continued employment of any person as a  
23 ~~full-time~~ corrections officer by a municipality, county, the State or other nonfederal  
24 employer, that person shall successfully complete in-service training as prescribed by the  
25 board. Failure to successfully complete in-service training by a corrections officer as  
26 prescribed by the board constitutes grounds to suspend or revoke a certificate issued by  
27 the board pursuant to section 2803-A.

28 **2. Role of board.** The board shall establish in-service training requirements,  
29 consistent with subsection 1, and coordinate delivery of in-service training with post-  
30 secondary and other institutions and corrections agencies and administer in-service  
31 training programs. The in-service recertification training requirements ~~shall~~ must include  
32 information on new laws and court decisions. The board shall consider and encourage  
33 the use of telecommunications technology in the development and delivery of in-service  
34 training programs. In establishing the recertification training requirements, the board  
35 shall cooperate with the ~~State~~ state and local departments and agencies to which the in-  
36 service requirements apply to ensure that the standards are appropriate. In-service  
37 training may not be applied to satisfy in-service recertification training requirements  
38 unless it is approved by the board.

39 **3. Provisions of in-service training.** In-service training programs ~~which~~ that meet  
40 the requirements established under subsection 2; or other in-service training may be

1 provided by the Maine Criminal Justice Academy or the agency employing the  
2 corrections officer.

3 **4. Credit for continuing education.** The board may grant in-service training credits  
4 to be applied to in-service recertification training requirements for courses completed at  
5 accredited colleges and universities.

6 **Sec. 36. 25 MRSA §2804-K**, as amended by PL 2005, c. 519, Pt. XXX, §5, is  
7 further amended to read:

8 **§2804-K. Law enforcement training for judicial marshals**

9 As a condition to the continued employment of any person as a ~~full-time state~~ judicial  
10 marshal ~~or state judicial deputy marshal~~, that person must successfully complete, within  
11 the first 12 months of employment, the training required under section 2803-A,  
12 subsection 8-B. Thereafter, as a condition of continued employment as a ~~full-time state~~  
13 judicial marshal ~~or state judicial deputy marshal~~, the judicial marshal must satisfactorily  
14 maintain the ~~state judicial marshal or state judicial deputy marshal~~ certification by  
15 completing recertification requirements prescribed by the board. The board, under  
16 extenuating and emergency circumstances in individual cases, may extend that period for  
17 not more than ~~90~~ 180 days.

18 **Sec. 37. 25 MRSA §2805-C**, as amended by PL 1997, c. 42, §1, is further  
19 amended to read:

20 **§2805-C. Complaint review committee**

21 **1. Committee.** The chair of the board shall appoint 3 members of the board to serve  
22 on the complaint review committee. One of the members must be one of the citizen  
23 members of the board. All members of the committee must be present for deliberations.  
24 A majority vote is necessary to recommend taking corrective or disciplinary action on a  
25 complaint or to order an independent investigation pursuant to ~~section 2806~~, subsection  
26 ~~1-A 3~~.

27 **2. Investigation.** The committee shall investigate complaints regarding any  
28 violation of this chapter or rules established by the board by a ~~law enforcement or~~  
29 ~~corrections officer~~ person holding a certificate issued by the board pursuant to section  
30 2803-A and recommend appropriate action to the board.

31 **3. Investigation and notice of complaints.** Before proceeding with a hearing to  
32 suspend or revoke a certificate issued by the board pursuant to section 2803-A, the board,  
33 the complaint review committee or board staff shall notify the chief administrative officer  
34 of the agency employing the certificate holder that the board is investigating the  
35 certificate holder. The chief administrative officer shall investigate the alleged conduct  
36 of the certificate holder and, notwithstanding any other provision of law, report the  
37 findings and provide copies of the investigative reports to the board within 30 days of  
38 receiving notice of the investigation. The board shall proceed with any suspension or  
39 revocation action it determines appropriate after receiving the chief administrative  
40 officer's findings and reports. This subsection does not preclude a chief administrative

1 officer from investigating conduct that may give rise to grounds for suspension or  
2 revocation before receiving a request for an investigation from the board, the complaint  
3 review committee or board staff, as long as the chief administrative officer notifies the  
4 board following that investigation if the investigation reveals reasonable cause to believe  
5 that a certificate holder has engaged in conduct described in section 2806-A, subsection  
6 5, and providing to the board the findings and investigative reports related to the conduct.  
7 Nothing in this subsection precludes the board from investigating the conduct of a  
8 certificate holder on its own or referring a matter of such conduct to another agency for  
9 investigation regardless of whether it receives an investigative report from the chief  
10 administrative officer under this section.

11 **Sec. 38. 25 MRSA §2806**, as amended by PL 2005, c. 331, §§26 and 27, is  
12 repealed.

13 **Sec. 39. 25 MRSA §2806-A** is enacted to read:

14 **§2806-A. Disciplinary sanctions**

15 **1. Disciplinary proceedings and sanctions.** The board or, as delegated, the  
16 complaint review committee, established pursuant to section 2805-C, or staff, shall  
17 investigate a complaint on its own motion or upon receipt of a written complaint filed  
18 with the board regarding noncompliance with or violation of this chapter or of any rules  
19 adopted by the board. Investigation may include an informal conference before the  
20 complaint review committee to determine whether grounds exist for suspension,  
21 revocation or denial of a certificate or for taking other disciplinary action pursuant to this  
22 chapter. The board, the complaint review committee or staff may subpoena witnesses,  
23 records and documents in any investigation or hearing conducted.

24 **2. Notice.** The board or, as delegated, the complaint review committee, established  
25 pursuant to section 2805-C, or staff, shall notify the certificate holder of the content of a  
26 complaint filed against the certificate holder as soon as possible, but in no event later than  
27 60 days after the board or staff receives the initial pertinent information. The certificate  
28 holder has the right to respond within 30 days in all cases except those involving an  
29 emergency denial, suspension or revocation, as described in Title 5, chapter 375,  
30 subchapter 5. If the certificate holder's response to the complaint satisfies the board, the  
31 complaint review committee or staff that the complaint does not merit further  
32 investigation or action, the matter may be dismissed, with notice of the dismissal to the  
33 complainant, if any.

34 **3. Informal conference.** If, in the opinion of the board, the complaint review  
35 committee, established pursuant to section 2805-C, or staff, the factual basis of the  
36 complaint is or may be true and the complaint is of sufficient gravity to warrant further  
37 action, the board or staff may request an informal conference with the certificate holder.  
38 The complaint review committee or staff shall provide the certificate holder with  
39 adequate notice of the conference and of the issues to be discussed. The certificate holder  
40 may, without prejudice, refuse to participate in an informal conference if the certificate  
41 holder prefers to request an adjudicatory hearing.

1           **4. Further action.** If the board or the complaint review committee, established  
2 pursuant to section 2805-C, finds that the factual basis of the complaint is true and is of  
3 sufficient gravity to warrant further action, it may take any of the following actions.

4           A. The board, the complaint review committee or staff may negotiate a consent  
5 agreement that resolves a complaint or investigation without further proceedings.  
6 Consent agreements may be entered into only with the consent of the certificate  
7 holder and the board. Any remedy, penalty or fine that is otherwise available by law,  
8 even if only in the jurisdiction of the Superior Court, may be achieved by consent  
9 agreement, including long-term suspension and permanent revocation of a certificate  
10 issued under this chapter. A consent agreement is not subject to review or appeal and  
11 may be modified only by a writing executed by all parties to the original consent  
12 agreement. A consent agreement is enforceable by an action in Superior Court.

13           B. If a certificate holder offers to voluntarily surrender a certificate, the board, the  
14 complaint review committee or staff may negotiate stipulations necessary to ensure  
15 protection of the public health and safety and the rehabilitation or education of the  
16 certificate holder. These stipulations may be set forth only in a consent agreement  
17 entered into between the board and the certificate holder.

18           C. Unless specifically otherwise indicated in this chapter, if the board concludes that  
19 modification, suspension, revocation or imposition of any other sanction authorized  
20 under this chapter is in order, the board shall so notify the certificate holder and  
21 inform the certificate holder of the right to request an adjudicatory hearing. If the  
22 certificate holder requests an adjudicatory hearing in a timely manner, the  
23 adjudicatory hearing must be held by the board, a subcommittee of 3 board members  
24 designated by the board chair or a hearing officer appointed by the board. The  
25 hearing must be in accordance with Title 5, chapter 375, subchapter 4. If a hearing  
26 officer conducts the hearing, the hearing officer, after conducting the hearing, shall  
27 file with the board all papers connected with the case and report recommended  
28 findings and sanctions to the board, which may approve or modify them. If the  
29 certificate holder wishes to appeal the final decision of the board, the certificate  
30 holder shall file a petition for review with the Superior Court within 30 days of  
31 receipt of the board's decision. Review under this paragraph must be conducted  
32 pursuant to Title 5, chapter 375, subchapter 7.

33           **5. Grounds for action.** The board may take action against any applicant for a  
34 certificate or certificate holder pursuant to this chapter or any rules adopted pursuant to  
35 this chapter, including, but not limited to, a decision to impose a civil penalty or to refuse  
36 to issue a certificate or to modify, suspend or revoke a certificate for any of the following  
37 reasons:

38           A. Failure to meet annual certification or recertification requirements. In enforcing  
39 this paragraph, the board shall, no later than March 31st of every year, review the  
40 certification of all law enforcement and corrections officers and decertify those  
41 individuals who do not meet certification or recertification requirements;

42           B. Absent extenuating circumstances as determined by the board, working more than  
43 1,040 hours in any one calendar year as a part-time law enforcement officer

1 performing law enforcement duties and while possessing a part-time law enforcement  
2 certificate issued by the board pursuant to section 2803-A;

3 C. Conviction of murder or any crime or attempted crime classified in state law as a  
4 Class A, Class B, Class C or Class D crime or a violation of any provision of Title  
5 17-A, chapter 15, 19, 25, 29, 31, 35, 41 or 45. Notwithstanding any other provision  
6 of law, the board may summarily and without hearing suspend or revoke any  
7 certificate as a result of any criminal conviction identified by this paragraph pursuant  
8 to Title 5, section 10004, subsection 1;

9 D. Juvenile adjudication of murder or any crime or attempted crime classified in  
10 state law as a Class A, Class B, Class C or Class D crime;

11 E. Guilty plea pursuant to a deferred disposition of murder or any crime or attempted  
12 crime classified in state law as a Class A, Class B, Class C or Class D crime or a  
13 violation of any provision of Title 17-A, chapter 15, 19, 25, 29, 31, 35, 41 or 45;

14 F. Engaging in conduct that is prohibited or penalized by state law as murder or a  
15 Class A, Class B, Class C or Class D crime or by any provision of Title 17-A, chapter  
16 15, 19, 25, 29, 31, 35, 41 or 45;

17 G. Conviction of or adjudication as a juvenile of a crime specified in paragraph D in  
18 another state or other jurisdiction, unless that crime is not punishable as a crime under  
19 the laws of that state or other jurisdiction in which it occurred. Notwithstanding any  
20 other provision of law, the board may summarily and without hearing suspend or  
21 revoke any certificate as a result of any criminal conviction identified by this  
22 paragraph pursuant to Title 5, section 10004, subsection 1;

23 H. Engaging in conduct specified in paragraphs C and D in another state or other  
24 jurisdiction unless that conduct is not punishable as a crime under the laws of that  
25 state or other jurisdiction in which it occurred;

26 I. Falsifying or misrepresenting material facts in obtaining or maintaining a  
27 certificate issued by the board pursuant to section 2803-A;

28 J. Engaging in conduct that violates the standards established by the board and that  
29 when viewed in light of the nature and purpose of the person's conduct and  
30 circumstances known to the person, involves a gross deviation from the standard of  
31 conduct that a reasonable and prudent certificate holder would observe in the same or  
32 similar situation; and

33 K. Engaging in a sexual act, as defined in Title 17-A, section 251, subsection 1,  
34 paragraph C, or in sexual contact, as defined in Title 17-A, section 251, subsection 1,  
35 paragraph D, with another person, not the person's spouse, if at the time of the sexual  
36 act or sexual contact;

37 (1) The officer was engaged in an investigation or purported investigation  
38 involving an allegation of abuse, as defined in former Title 19, section 762,  
39 subsection 1 and in Title 19-A, section 4002, subsection 1;

40 (2) The other person was the alleged victim of that abuse;

41 (3) The parties did not have a preexisting and ongoing sexual relationship that  
42 included engaging in any sexual act or sexual contact; and

1                   (4) Less than 60 days had elapsed since the officer initially became involved in  
2                   the investigation or purported investigation.

3                   **6. Discipline.** The board may impose the following forms of discipline upon a  
4                   certificate holder or applicant for a certificate:

5                   A. Denial of an application for a certificate, which may occur in conjunction with the  
6                   imposition of other discipline;

7                   B. Issuance of warning, censure or reprimand. Each warning, censure or reprimand  
8                   issued must be based upon violation of a single applicable law, rule or condition of  
9                   certification or must be based upon a single instance of actionable conduct or activity;

10                  C. Suspension of a certificate for up to 3 years. Execution of all or any portion of a  
11                  term of suspension may be stayed pending successful completion of conditions of  
12                  probation, although the suspension remains part of the certificate holder's record;

13                  D. Revocation of a certificate;

14                  E. Imposition of civil penalties of up to \$1,500 for each violation of applicable laws,  
15                  rules or conditions of certification or for each instance of actionable conduct or  
16                  activity; or

17                  F. Imposition of conditions of probation. Probation may run for such time period as  
18                  the board determines appropriate. Probation may include conditions such as:  
19                  additional continuing education; medical, psychiatric or mental health consultations  
20                  or evaluations; mandatory professional supervision of the applicant or certificate  
21                  holder; restrictions; and other conditions as the board determines appropriate. Costs  
22                  incurred in the performance of terms of probation are borne by the applicant or  
23                  certificate holder. Failure to comply with the conditions of probation is a ground for  
24                  disciplinary action against a certificate holder.

25                  **7. Letter of guidance.** The board may issue a letter of guidance or concern to a  
26                  certificate holder. A letter of guidance or concern may be used to educate, reinforce  
27                  knowledge regarding legal or professional obligations or express concern over action or  
28                  inaction by the certificate holder that does not rise to the level of misconduct sufficient to  
29                  merit disciplinary action. The issuance of a letter of guidance or concern is not a formal  
30                  proceeding and does not constitute an adverse disciplinary action of any form.  
31                  Notwithstanding any other provision of law, letters of guidance or concern are not  
32                  confidential. The board may place letters of guidance or concern, together with any  
33                  underlying complaint, report and investigation materials, in a certificate holder's file for a  
34                  specified period of time, not to exceed 10 years. Any letters, complaints and materials  
35                  placed on file may be accessed and considered by the board in any subsequent action  
36                  commenced against the certificate holder within the specified time frame. Complaints,  
37                  reports and investigation materials placed on file remain confidential to the extent  
38                  required by this chapter.

39                  **8. Injunction.** The State may bring an action in Superior Court to enjoin a person  
40                  from violating any provision of this chapter, regardless of whether civil or administrative  
41                  proceedings have been or may be instituted.

1           **9. Recertification.** A person whose certificate has been revoked under this chapter  
2 may apply to the board for reinstatement of certification if:

3           A. The certificate was revoked for a cause other than engaging in conduct that is  
4 prohibited or penalized by state law as murder or as a Class A, Class B or Class C  
5 crime or for equivalent conduct in another state or other jurisdiction;

6           B. At least 3 years have elapsed since revocation of the certificate; and

7           C. A law enforcement or corrections agency has indicated a commitment to hire the  
8 individual if the individual is recertified.

9           The granting of recertification under this subsection is governed by Maine Criminal  
10 Justice Academy rules relating to certification. The individual is subject to all training  
11 requirements applicable to persons whose certification has lapsed.

12           **10. Confidentiality; access to documents.** All complaints, charges or accusations  
13 of misconduct, replies to those complaints, charges or accusations and any other  
14 information or materials that may result in suspension or revocation of a certificate that  
15 are considered by the board or the complaint review committee established pursuant to  
16 section 2805-C are confidential. If a person subject to this chapter requests an  
17 adjudicatory hearing under the Maine Administrative Procedure Act, that hearing must be  
18 open to the public. The hearing officer who presides over the hearing shall issue a  
19 written decision that states the conduct or other facts on the basis of which action is being  
20 taken and the reason for that action. Once issued, the hearing officer's written decision is  
21 a public record under the Freedom of Access Act, regardless of whether it is appealed.

22           **Sec. 40. 25 MRSA §2807**, as amended by PL 2005, c. 331, §28, is further  
23 amended to read:

24           **§2807. Reports of conviction or misconduct by certificate holder**

25           ~~In~~ Notwithstanding any other provision of law, in the event that a law enforcement or  
26 corrections officer certificate holder is convicted of a crime or violation or engages in  
27 conduct that could result in suspension or revocation of the officer's individual's  
28 certificate pursuant to section 2806 2806-A and the chief administrative officer of the  
29 agency employing the officer certificate holder or considering the individual for  
30 employment has knowledge of the conviction or conduct, then the chief administrative  
31 officer shall expeditiously within 30 days notify the Director of the Maine Criminal  
32 Justice Academy with the name of the law enforcement or corrections officer certificate  
33 holder and a brief description of the conviction or conduct.

34           **Sec. 41. 25 MRSA §2808, sub-§3**, as amended by PL 2005, c. 331, §32, is  
35 further amended to read:

36           **3. Reimbursement for training costs.** Whenever a full-time law enforcement  
37 officer, trained at the Maine Criminal Justice Academy at the expense of a particular  
38 governmental entity, is subsequently hired by another governmental entity as a full-time  
39 law enforcement officer within 5 years of graduation from the academy, the  
40 governmental entity shall reimburse the first governmental entity according to the  
41 following formula, unless a mutual agreement is reached.

1 A. If the officer is hired by the other governmental entity during the first year after  
2 graduation, that governmental entity shall reimburse the first governmental entity the  
3 full cost of the training costs.

4 B. If the officer is hired by the other governmental entity during the 2nd year after  
5 graduation, that governmental entity shall reimburse the first governmental entity  
6 80% of the training costs.

7 C. If the officer is hired by the other governmental entity during the 3rd year after  
8 graduation, that governmental entity shall reimburse the first governmental entity  
9 60% of the training costs.

10 D. If the officer is hired by the other governmental entity during the 4th year after  
11 graduation, that governmental entity shall reimburse the first governmental entity  
12 40% of the training costs.

13 E. If the officer is hired by the other governmental entity during the 5th year after  
14 graduation, that governmental entity shall reimburse the first governmental entity  
15 20% of the training costs.

16 F. If the officer graduated more than 5 years before subsequently being hired by the  
17 other governmental entity, that governmental entity is not obligated to reimburse the  
18 first governmental entity.

19 If the officer is subsequently hired by additional governmental entities within 5 years of  
20 graduation from the academy, each of those governmental entities is liable to the  
21 governmental employer immediately preceding it for the training costs paid by that  
22 governmental entity under this subsection. The extent of financial liability must be  
23 determined according to the formula established by this subsection.

24 ~~Reimbursement is not required when the trained officer hired by a governmental entity~~  
25 ~~has had employment with a prior governmental entity terminated at the discretion of the~~  
26 ~~governmental entity.~~

27 **Sec. 42. 25 MRSA §2808-A, sub-§1, ¶B,** as enacted by PL 2007, c. 240, Pt.  
28 ZZZ, §1, is amended to read:

29 B. "Training" means the basic training provided to a ~~full-time~~ corrections officer by  
30 the Maine Criminal Justice Academy, as described in section 2804-D.

31 **Sec. 43. 25 MRSA §2808-A, sub-§2,** as enacted by PL 2007, c. 240, Pt. ZZZ, §1,  
32 is amended to read:

33 **2. Reimbursement for training costs.** Whenever a ~~full-time~~ corrections officer,  
34 trained at the Maine Criminal Justice Academy at the expense of a particular  
35 governmental entity, is subsequently hired by another governmental entity as a ~~full-time~~  
36 corrections officer or ~~full-time law enforcement officer~~ within 5 years of graduation from  
37 the academy, the governmental entity shall reimburse the first governmental entity  
38 according to the following formula, unless a mutual agreement is reached.

39 A. If the corrections officer is hired by the other governmental entity during the first  
40 year after graduation, that governmental entity shall reimburse the first governmental  
41 entity the full cost of the training costs.

1 B. If the corrections officer is hired by the other governmental entity during the 2nd  
2 year after graduation, that governmental entity shall reimburse the first governmental  
3 entity 80% of the training costs.

4 C. If the corrections officer is hired by the other governmental entity during the 3rd  
5 year after graduation, that governmental entity shall reimburse the first governmental  
6 entity 60% of the training costs.

7 D. If the corrections officer is hired by the other governmental entity during the 4th  
8 year after graduation, that governmental entity shall reimburse the first governmental  
9 entity 40% of the training costs.

10 E. If the corrections officer is hired by the other governmental entity during the 5th  
11 year after graduation, that governmental entity shall reimburse the first governmental  
12 entity 20% of the training costs.

13 F. If the corrections officer graduated more than 5 years before subsequently being  
14 hired by the other governmental entity, that governmental entity is not obligated to  
15 reimburse the first governmental entity.

16 If the corrections officer is subsequently hired by additional governmental entities within  
17 5 years of graduation from the academy, each of those governmental entities is liable to  
18 the governmental employer immediately preceding it for the training costs paid by that  
19 governmental entity under this subsection. The extent of financial liability must be  
20 determined according to the formula established by this subsection.

21 ~~Reimbursement is not required when the corrections officer hired by a governmental~~  
22 ~~entity has had employment with a prior governmental entity terminated at the discretion~~  
23 ~~of the governmental entity.~~

24 **Sec. 44. 25 MRSA §2809, first ¶**, as amended by PL 2003, c. 510, Pt. C, §7, is  
25 further amended to read:

26 ~~Beginning January 1, 1991, the~~ The board shall report annually to the joint standing  
27 committee of the Legislature having jurisdiction over criminal justice and public safety  
28 matters on the implementation and effectiveness of this chapter. The purpose of the  
29 report is to provide the Legislature annual information on the law governing law  
30 enforcement training in order to ensure that appropriate and timely training is  
31 accomplished. The report must include the following:

32 **Sec. 45. 30-A MRSA §353**, as amended by PL 2005, c. 541, §2 and affected by  
33 §3, is further amended to read:

34 **§353. Officer not to act as attorney or draw papers; employee of jailer not to act as**  
35 **judge or attorney**

36 An officer may not appear before any court as attorney or adviser of any party in an  
37 action or draw any writ, complaint, declaration, citation, process or plea for any other  
38 person; all such acts are void. A person employed by the keeper of a jail in any capacity  
39 may not exercise any power or duty of a judicial officer or act as attorney for any person  
40 confined in the jail; all such acts are void. Beginning April 15, 2006, if commissioned as  
41 a notary public and authorized to do so by the sheriff, an employee of a jail, other than a

1 ~~part-time or full-time~~ corrections officer or a deputy sheriff, may, without fee, exercise  
2 any power or duty of a notary public for any person confined in the jail.

### 3 **SUMMARY**

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

6 1. It makes minor technical changes to reflect current practice for the Maine  
7 Criminal Justice Academy and clearly identifies the purpose of the Maine Criminal  
8 Justice Academy Board of Trustees.

9 2. It eliminates the separate definitions for state and county corrections officers. It  
10 simplifies the definition of "judicial marshal." It eliminates the definition of "part-time  
11 corrections officer." It redefines "full-time law enforcement officer," "law enforcement  
12 officer," "part-time law enforcement officer" and "transport officer" for statewide  
13 application of the law.

14 3. It clarifies annual training and certification requirements.

15 4. It changes the makeup of the Maine Criminal Justice Academy Board of Trustees  
16 to specifically include a district attorney or a criminal prosecutor from a district attorney's  
17 office.

18 5. It eliminates outdated language concerning the establishment of minimum  
19 standards and sets deadlines for the agencies to comply with the standards and policies  
20 and for annual certification of any changes in the policies.

21 6. It amends the penalty section to add that an individual may also receive a civil  
22 penalty of up to \$500 for violating any provision of the laws relating to law enforcement  
23 officers.

24 7. It reorganizes the same language regarding the custodian of the records so the  
25 provisions apply to all records.

26 8. It requires all corrections officers, whether employed as part-time or full-time  
27 officers, to be trained and certified to the same standards, regardless of how many annual  
28 hours worked.

29 9. It specifies that all law enforcement officers and corrections officers must  
30 complete the in-service training and may be disciplined by the board for not doing so,  
31 clarifies the role of the board involving in-service training and permits in-service training  
32 to be provided by either the Maine Criminal Justice Academy or the employing law  
33 enforcement agency.

34 10. It amends the law concerning the complaint review committee of the board to  
35 allow it to investigate any person holding a certificate issued by the board, not just law  
36 enforcement and corrections officers, and makes the process consistent with the due  
37 process guidelines of the Maine Administrative Procedure Act.

1           11. It makes more specific and expands the list of behaviors subject to disciplinary  
2 action by the board.

3           12. It allows the board to bring an action in court to enjoin a person from violating  
4 any provision of the laws relating to law enforcement officers regardless of whether civil  
5 or administrative proceedings have been or may be instituted.

6           13. It requires a chief administrative officer to report criminal convictions or  
7 criminal conduct of any certificate holder or potential certificate holder to the Director of  
8 the Maine Criminal Justice Academy within 30 days.

9           14. It requires reimbursement to a law enforcement agency for the cost of basic  
10 training regardless of the reason an officer left the agency if the officer is hired by another  
11 law enforcement agency and allows for a mutual agreement between 2 agencies on  
12 reimbursement.