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130th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2021

Legislative Document

No. 1447

H.P. 1063

House of Representatives, April 12, 2021

An Act To Require Training in Racial Issues, Racial Justice and Social Issues at the Maine Criminal Justice Academy and To Establish Additional Requirements for Law Enforcement Officers and Candidates

Received by the Clerk of the House on April 8, 2021. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Robert B. Hunt

ROBERT B. HUNT
Clerk

Presented by Representative GRAMLICH of Old Orchard Beach.
Cosponsored by Representatives: HARNETT of Gardiner, MORALES of South Portland, PLUECKER of Warren, RECKITT of South Portland, TALBOT ROSS of Portland, WARREN of Hallowell.

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

Sec. 1. 25 MRSA §2803-A, sub-§1, as amended by PL 2005, c. 331, §8, is further amended to read:

1. Training and certification of all law enforcement officers in State. In accordance with this chapter, to establish training and certification standards for all law enforcement officers, set requirements for board-approved courses, prescribe ~~curriculum~~ curricula and certify both graduates of board-approved courses and persons for whom the board has waived the training requirements of this chapter. Certification must be based on the officer's demonstration of having acquired specific knowledge and skills directly related to job performance.

Beginning January 1, 2022, for all law enforcement officers certified or recertified by the board, in addition to all other requirements set forth in this chapter, the certification standards adopted by the board must require that the applicant:

- A. Be legally authorized to work in the United States;
- B. Be at least 21 years of age;
- C. Possess a high school diploma or high school equivalency diploma under Title 20-A, section 257 and an associate degree in criminal justice, sociology, psychology, mental health, substance use disorder or implicit bias;
- D. Submit to an extensive criminal history record check and meet the standards for approval established by the board; and
- E. Have completed at least 60 credit hours of postsecondary education, which may be fulfilled by course work completed in earning an associate degree under paragraph C in criminal justice or a related field, including but not limited to courses in sociology, psychology, mental health, substance use disorder and implicit bias;

Sec. 2. 25 MRSA §2804-C, sub-§2-F, as enacted by PL 2019, c. 410, §3 and reallocated by RR 2019, c. 1, Pt. A, §27, is amended to read:

2-F. Training regarding racial issues, racial justice and bias-based profiling. The board shall include in the basic law enforcement training program a block of instruction aimed specifically at training in racial issues and racial justice and the prohibition of bias-based profiling that prohibits stops, detentions, searches or asset seizures and forfeitures efforts based on race, ethnicity, gender, sexual orientation, gender identity, religion, socioeconomic status, age, national origin or ancestry by members of a law enforcement agency, that provides that individuals may be stopped or detained only when legal authority exists to do so and that provides that members of a law enforcement agency must base their enforcement actions solely on an individual's conduct and behavior or specific suspect information.

Sec. 3. 25 MRSA §2804-C, sub-§2-G is enacted to read:

2-G. Training regarding persons with substance use disorder. The board shall include in the basic law enforcement training program a block of instruction aimed specifically at recognizing and responding appropriately to persons with substance use disorder in order to reduce their involvement with the criminal justice system.

Sec. 4. 25 MRSA §2804-C, sub-§2-H is enacted to read:

COMMITTEE VOTING TALLY SHEET

LD # or Confirmation: LD 1447

Committee: Criminal Justice and Public Safety

Date: 02/17/2022

Motion: Ought To Pass As Amended

Motion by: Rep. Morales

Seconded by: Rep. Talbot Ross

Those Voting in Favor of the Motion	Recommendation of those opposed to the Motion					Absent	Abstain
	ONTP						

Senators

Sen. Deschambault	X						
Sen. Cyrway		X					
Sen. Lawrence						X	

Representatives

Rep. C. Warren	X						
Rep. Costain						X	
Rep. Lookner	X						
Rep. Morales	X						
Rep. Newman		X					
Rep. Pickett		X					
Rep. Pluecker	X						
Rep. Reckitt	X						
Rep. Rudnicki		X					
Rep. Talbot Ross	X						

Date:

(Filing No. H-)

CRIMINAL JUSTICE AND PUBLIC SAFETY

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT " " to H.P. 1063, L.D. 1447, "An Act To Require Training in Racial Issues, Racial Justice and Social Issues at the Maine Criminal Justice Academy and To Establish Additional Requirements for Law Enforcement Officers and Candidates"

Amend the bill by striking out the title and substituting the following:

'Resolve, To Study Training in Racial Issues, Racial Justice and Social Issues at the Maine Criminal Justice Academy and Additional Requirements for Law Enforcement Officers and Candidates'

Amend the bill by striking out everything after the title and inserting the following:

'Sec. 1. Committee established. Resolved: That the Law Enforcement Training and Qualifications Study Committee, referred to in this resolve as "the committee," is established.

Sec. 2. Committee membership. Resolved: That, notwithstanding Joint Rule 353, the committee consists of 17 members appointed as follows:

- 1. Three members of the Senate appointed by the President of the Senate, including members from each of the 2 parties holding the largest number of seats in the Legislature;
- 2. Four members of the House of Representatives appointed by the Speaker of the House, including members from each of the 2 parties holding the largest number of seats in the Legislature;
- 3. The Commissioner of Public Safety or the commissioner's designee;
- 4. The Director of the Maine Criminal Justice Academy or the director's designee; and
- 5. Eight members appointed as follows:
 - A. A member of the Maine Criminal Justice Academy curriculum review committee, appointed by the President of the Senate;

COMMITTEE AMENDMENT

- 1 B. A representative of a statewide association of municipal police chiefs, appointed by
2 the President of the Senate;
- 3 C. A representative of a statewide association of county sheriffs, appointed by the
4 President of the Senate;
- 5 D. A representative of a statewide association of municipalities, appointed by the
6 President of the Senate;
- 7 E. A representative of a statewide organization that advocates for civil liberties,
8 appointed by the President of the Senate;
- 9 F. A representative of a public institution of higher education that provides courses at
10 the associate, bachelor's or master's level in criminal justice, appointed by the Speaker
11 of the House;
- 12 G. A representative of a statewide association that advocates for restorative justice,
13 appointed by the Speaker of the House; and
- 14 H. A representative of a statewide organization that advocates on behalf of victims of
15 crime, appointed by the Speaker of the House.

16 **Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair
17 and the first-named House of Representatives member is the House chair of the committee.

18 **Sec. 4. Appointments; convening of committee. Resolved:** That, for
19 appointments made under section 2, subsection 5, the appointing authorities shall make an
20 effort to represent the racial, ethnic and gender diversity of the State. All appointments
21 must be made no later than 30 days following the effective date of this resolve. The
22 appointing authorities shall notify the Executive Director of the Legislative Council once
23 all appointments have been completed. After appointment of all members, the chairs shall
24 call and convene the first meeting of the committee. If 30 days or more after the effective
25 date of this resolve a majority of but not all appointments have been made, the chairs may
26 request authority and the Legislative Council may grant authority for the committee to meet
27 and conduct its business.

28 **Sec. 5. Duties. Resolved:** That the committee shall:

29 1. Review the history and purpose of the Maine Criminal Justice Academy, the statutes
30 that govern the Maine Criminal Justice Academy and its board of trustees and any
31 educational credentials applicable to teachers and students at the Maine Criminal Justice
32 Academy;

33 2. Review how the current curriculum of the Maine Criminal Justice Academy is
34 developed, revised, funded and delivered and, in comparison to other states, the benefits,
35 challenges and effects of using volunteer or full-time personnel to provide education and
36 training;

37 3. Review any job task analysis completed by the Department of Public Safety that
38 examines the role of rural and urban law enforcement officers in the State and examine the
39 need for additional training resources, including a comparison of similar training protocols
40 and delivery approaches in other states and the effect of different models on policing
41 outcomes and on the quality of life of all residents and visitors;

1 4. Review strategies, including changes to training and education requirements, to
2 enhance recruitment for law enforcement employment from underrepresented
3 communities, including ethnic minorities, women, new immigrants and communities of
4 color;

5 5. Review working relationships between the Maine Criminal Justice Academy and
6 public and private institutions of higher education, opportunities for obtaining credentials
7 and continuing education and sources for financial aid;

8 6. Seek input from municipal, county and state law enforcement agencies regarding
9 law enforcement officer training at the Maine Criminal Justice Academy and whether
10 increasing resources and staffing would improve recruitment and retention of staff and the
11 quality of instruction and further the development of skills and leadership for candidates
12 and staff; and

13 7. Compile recommendations for improving the training of law enforcement officers
14 through community and education partnerships, including by addressing statewide
15 recruitment needs, racial justice and social issues, mental health and substance use disorder
16 issues and any identified needs for additional requirements for law enforcement officers
17 and candidates.

18 **Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide
19 necessary staffing services to the committee, except that the Legislative Council staff
20 support is not authorized when the Legislature is in regular or special session.

21 **Sec. 7. Report. Resolved:** That, no later than November 2, 2022, the committee
22 shall submit a report to the joint standing committee of the Legislature having jurisdiction
23 over criminal justice and public safety matters that includes its recommendations, including
24 suggested legislation. After reviewing the report, the joint standing committee may submit
25 legislation relating to the report to the 131st Legislature in 2023.'

26 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
27 number to read consecutively.

28 SUMMARY

29 This amendment is the majority report of the committee and replaces the bill with a
30 resolve. It establishes the 17-member Law Enforcement Training and Qualifications Study
31 Committee to review law enforcement officer training and to report its recommendations
32 for training for law enforcement officers in racial issues, racial justice and social issues and
33 for additional requirements for law enforcement officers and candidates by November 2,
34 2022. The joint standing committee of the Legislature having jurisdiction over criminal
35 justice and public safety matters is authorized to submit legislation relating to the report to
36 the 131st Legislature in 2023.



130th MAINE LEGISLATURE

LD 1447

LR 1867(02)

An Act To Require Training in Racial Issues, Racial Justice and Social Issues at the Maine Criminal Justice Academy and To Establish Additional Requirements for Law Enforcement Officers and Candidates

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

Legislative Cost/Study

Legislative Cost/Study

The general operating expenses of this study are projected to be \$3,750 in fiscal year 2022-23. The Legislature's budget for the 2022-2023 biennium includes an estimated \$6,108 in fiscal year 2021-22 and \$10,000 in fiscal year 2022-23 for the costs of legislative studies, as well as \$31,260 of balances carried over from prior years for this purpose. Whether these amounts are sufficient to fund all studies will depend on the number of studies authorized by the Legislative Council and the Legislature. The additional costs of providing staffing assistance to the study during the interim can be absorbed utilizing existing budgeted staff resources.

Fiscal Detail and Notes

Additional costs to the Department of Public Safety associated with serving on the committee can be absorbed within existing budgeted resources.

No appropriations/allocations section required.