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129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 1910

S.P. 657

In Senate, December 24, 2019

**An Act Establishing That the Commissioner of Public Safety Is a
Law Enforcement Officer If the Commissioner Is Certified as a Law
Enforcement Officer**

Submitted by the Department of Public Safety pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 24, 2019. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 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 DESCHAMBAULT of York.

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

2 **Sec. 1. 25 MRSA §2801-A, sub-§5**, as amended by PL 2013, c. 147, §5, is
3 further amended to read:

4 **5. Law enforcement officer.** "Law enforcement officer" means a person who by
5 virtue of public employment is vested by law with the power to make arrests for crimes or
6 serve criminal process, whether that power extends to all crimes or is limited to specific
7 crimes, and who possesses a current and valid certificate issued by the board pursuant to
8 section 2803-A. As used in this chapter, "law enforcement officer" does not include
9 federal law enforcement officers or attorneys prosecuting for the State. The
10 Commissioner of Public Safety is a law enforcement officer if the commissioner is
11 certified as a law enforcement officer under sections 2804-B and 2804-C and remains in
12 compliance with section 2804-E, subsection 1.

13 **Sec. 2. 25 MRSA §2801-B, sub-§1, ¶K**, as corrected by RR 2005, c. 1, §9, is
14 amended to read:

15 K. A contract officer appointed by the Commissioner of Public Safety pursuant to
16 Title 28-A, section 82-A; or

17 **Sec. 3. 25 MRSA §2801-B, sub-§1, ¶L**, as reallocated by RR 2005, c. 1, §10, is
18 amended to read:

19 L. A transport officer; or

20 **Sec. 4. 25 MRSA §2801-B, sub-§1, ¶M** is enacted to read:

21 M. The Commissioner of Public Safety.

22 **SUMMARY**

23 This bill amends the definition of "law enforcement officer" in the laws governing the
24 Maine Criminal Justice Academy to establish that the Commissioner of Public Safety is a
25 law enforcement officer in the employ of the Department of Public Safety if the
26 commissioner is certified as a law enforcement officer and completes in-service training
27 in order to maintain that certification. The bill also exempts the commissioner from
28 certain training standards and policy development requirements.