

## OFFICE OF POLICY AND LEGAL ANALYSIS

To: Members, Joint Standing Committee on Agriculture, Conservation and Forestry  
From: Karen S. Nadeau, Legislative Analyst  
Date: April 6, 2021  
Subj: **LD 657** An Act To Amend the Laws Governing Agriculture, Conservation and Forestry

---

- Requires, rather than authorizes as under current law, the Bureau of Parks and Lands (BPL) to coordinate and exercise law enforcement power within the bureau's jurisdiction.
- Authorizes the director of the bureau to appoint park rangers with law enforcement powers.
- Directs the Board of Trustees of the Maine Criminal Justice Academy to establish certification standards and a training program for park rangers.

**Proponents:** *Residents of Poland (state park manager), Weld (assistant regional manager for the southern region), Shirley (recently retired superintendent of the Allagash Wilderness Waterway), Millinocket (former BPL park manager/manager/supervisor)*

*Written only: Naples (BPL park manager), Princeton (retired US Fish and Wildlife Service); Sebago Lake State Park seasonal park ranger; Popham Beach State Park manager; Lamoine State Park manager; Maine Service Employees Association (MSEA-SEIU Local 1989)*

- LD would provide the needed training, safety equipment and tools for park staff to protect the resource from the people, people from the resource, and people from the people.
- State parks see over 3 million people a year and we are required to enforce the laws in Title 12.
- I've responded to domestic disputes, assaults, fights/brawls, motor vehicle and watercraft accidents, cardiac events, traumatic injuries, drug overdoses, reports of child and elder abuse, poaching, theft, vandalism, missing persons, psychotic episodes and public sexual acts.
- Suggest an amendment to exempt any current employee from this bill if they do not wish to participate.; the law would only apply to new hires.
- Rangers Academy training has several deficiencies; there is little training on law enforcement.
- BPL has been delinquent in designating enforcement agents; relying on outside enforcement agencies is not always feasible due to the remoteness of some areas, lack of availability for assistance and perceived minor nature of certain park rules by other enforcement agencies.
- Suggest amendment replace "park ranger" with BPL "enforcement agent" to cover park rangers, Allagash park rangers, superintendents, park managers, etc. and delete firearms training requirement.

**Opponents:** *Director of the Bureau of Parks and Lands (BPL); Mount Blue State Park manager*

- This bill is unnecessary; BPL has created a curriculum and implemented a very successful 9-day Ranger Academy that focuses on compliance and enforcement issues.
- 41 staff have graduated from Ranger Academy and 78 staff were trained in Verbal Judo.
- National trends in law enforcement suggest a move away from, rather than toward, armed and heavy-handed enforcement.
- Director of BPL currently has the jurisdiction (T. 12 §1806, sub§2) to authorize an employee to issue a written summons to any person for a civil violation or a crime.
- Pursuant to T. 12 §1806, sub§2, BPL is proceeding with administrative steps toward the use of the exclusionary rule – the ability to evict someone from a State park for a period of time.
- Shifting State park manager positions or ranger positions to law enforcement staff would require a new state job classification and pay scale that would like fall under a different state bargaining unit.
- BPL's limited resources could be best utilized to support our State Parks in other ways, rather than creating law enforcement positions.

**NFNA:** *None*

**RECENT LEGISLATION**

**LD 527 – Resolve 219, chapter 92**

Directed the BPL to establish a law enforcement training program for bureau employees and agents. General Fund appropriation of \$42,597 in fiscal years ending 2020 and 2021.

**RELEVANT STATUTES**

**T. 12, section 1806, subsection 2:**

**2. Powers of bureau staff or agents.** The director may authorize an employee or agent of the bureau to issue a written summons to any person who the employee or agent has probable cause to believe has committed or is committing a civil violation or a crime. The director may authorize an employee or agent of the bureau to detain or arrest any person who the employee or agent has probable cause to believe has committed or is committing a crime. The director shall notify the joint standing committee of the Legislature having jurisdiction over parks and public lands matters in writing prior to adopting a policy that authorizes employees or agents of the bureau to make arrests.

**PRELIMINARY FISCAL IMPACT STATEMENT:** *Not yet received.*