



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
OFFICE OF THE COMMISSIONER
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333

AMANDA E. BEAL
COMMISSIONER

TESTIMONY BEFORE THE JOINT COMMITTEE ON AGRICULTURE,
CONSERVATION AND FORESTRY

OPPOSED to LD 657

An Act to Clarify the Law Enforcement Powers of the Bureau of Parks and Lands

March 18, 2021

Senator Dill, Representative O'Neil, and honorable members of the Joint Standing Committee on Agriculture, Conservation and Forestry, my name is Andy Cutko, and I am the Director of the Department of Agriculture, Conservation, and Forestry's Bureau of Parks and Lands. I am delivering this testimony in opposition to LD 657 on behalf of the Department.

Our State Parks have never been more important. As you know, Maine's State Parks set an all-time attendance record last year, exceeding the 3 million mark for the first time. I want to recognize and highlight the professionalism, dedication, and resilience of our staff during this particularly challenging time. The Bureau has an outstanding track record on public safety, and our year-round and seasonal staff deserve an abundance of credit for that record.

There have been several developments since the topic of State Park enforcement was considered by the ACF Committee two years ago. As a result, the Department believes this bill is unnecessary. First, and most importantly, our staff have created a curriculum and implemented a very successful 9-day Ranger Academy that specifically focuses on compliance and enforcement issues; a syllabus for the Ranger Academy is attached. Standard course content includes coordination with local law enforcement, training in Verbal Judo (a nationally recognized training program using language to prevent or end acts of physical violence and avoid letting a situation escalate), use of pepper spray, and self-defense, among other topics. In the last two years, 41 staff have graduated from the Ranger Academy, and 78 staff were trained in Verbal Judo. In particular, several staff have cited the use of Verbal Judo in de-escalating confrontational situations. National trends in law enforcement suggest a move away from, rather than toward, armed and heavy-handed enforcement. Dialogue, de-escalation, and professionalism are increasingly highlighted as the preferred tools to defuse confrontational situations. In 2020 our staff identified just seven incidents involving behavior that required the use of outside law enforcement, and in all of those instances local enforcement was readily available to respond to the incident.

HARLOW BUILDING
18 ELKINS LANE
AUGUSTA, MAINE



PHONE: (207) 287-3200
FAX: (207) 287-2400
WEB: WWW.MAINE.GOV/DACF

Second, as the Director of the Bureau of Parks and Lands, I currently have the jurisdiction, per Title 12, M.R.S. §1806 Sec 2, to authorize an employee to issue a written summons to any person responsible for a civil violation or a crime. A written summons invokes a series of obligations regarding follow-through with the court system. Some prior Directors have chosen not to exercise that authority. While I do not envision widespread use of this option, upon request from staff I have applied it in specific instances in my term as Director.

Third, pursuant to 12 M.R.S §1803 Sec. 2 the Bureau is proceeding with administrative steps toward the use of the exclusionary rule – that is, the ability to evict someone from a State Park for a period of time. Use of the exclusionary rule will be another highly useful tool for habitual offenders and others. The Bureau is also considering other steps, including the use of vehicle safety lights to respond to emergency situations.

Regarding the specific language in the bill, the fiscal and personnel impacts of Section 2-A need full and careful consideration. Shifting State Park Manager or Ranger positions to law enforcement staff would require a new state job classification and pay scale that would likely fall under a different state bargaining unit. Fiscal impacts would also involve initial and ongoing training costs for the Criminal Justice Academy and, potentially, costs of new vehicles, equipment, and firearms. In a State Park system with a considerable need for investments, expenditure on additional enforcement capacity is not the Department's highest priority. Furthermore, this shift would require the development and implementation of new internal policies and protocols that, without additional resources, would pull already stretched existing resources away from current priority areas.

In closing, I will tell you that this topic generates a full range of thoughtful opinions among our experienced staff, and we value each one of those opinions. Some staff have expressed an interest in a more formal law enforcement role, while many others are strongly opposed. On a virtual meeting with nearly 30 staff to solicit input on this bill last week, one staffer said, "If I have to give up my toilet brush for a gun, I'll be done with this job tomorrow." You may hear from different staff within the Bureau expressing that range of opinions; however, as a Department, we ultimately believe that our limited resources could be best utilized to support our State Parks in other ways, rather than creating law enforcement positions.

Thanks for your thoughtful consideration of these issues, and I would be glad to answer any questions.