

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

H.P. 368 - L.D. 505

**An Act To Expand the Disciplinary Authority of the Board of Trustees of the
Maine Criminal Justice Academy**

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

Sec. 1. 25 MRSA §2803-A, sub-§15-A is enacted to read:

15-A. Standards of conduct. To adopt rules establishing standards of conduct for an applicant for a certificate and a certificate holder the violation of which subject that person to disciplinary action pursuant to section 2806-A, subsection 5, paragraph M;

Sec. 2. 25 MRSA §2806-A, sub-§5, ¶K, as amended by PL 2019, c. 438, §5, is further amended by amending subparagraph (4) to read:

(4) Less than 60 days had elapsed since the officer initially became involved in the investigation or purported investigation; ~~and~~

Sec. 3. 25 MRSA §2806-A, sub-§5, ¶L, as enacted by PL 2019, c. 438, §6, is amended to read:

L. Engaging in sexual contact, as defined in Title 17-A, section 251, subsection 1, paragraph D, with another person, not the person's spouse, if at the time of the sexual contact the applicant or certificate holder is acting in performance of official duties and the other person is under arrest, in custody or being interrogated or temporarily detained, including during a traffic stop or questioning pursuant to an investigation of a crime, except that it is not grounds for discipline that a certificate holder properly performs a search of a person for legitimate law enforcement purposes consistent with training standards approved by the board; ~~and~~

Sec. 4. 25 MRSA §2806-A, sub-§5, ¶M is enacted to read:

M. Engaging in conduct that is a violation of the standards of conduct established by the board by rule pursuant to section 2803-A, subsection 15-A.

Sec. 5. 25 MRSA §2806-A, sub-§10, as enacted by PL 2013, c. 147, §39, is amended to read:

10. Confidentiality; access to documents; public records. All complaints, charges or accusations of misconduct, replies to those complaints, charges or accusations and any

other information or materials that may result in suspension or revocation of a certificate that are considered by the board or the complaint review committee established pursuant to section 2805-C are confidential. If a person subject to this chapter requests an adjudicatory hearing under the Maine Administrative Procedure Act, that hearing must be open to the public. The hearing officer who presides over the hearing shall issue a written decision that states the conduct or other facts on the basis of which action is being taken and the reason for that action. Once issued, the hearing officer's written decision is a public record under the Freedom of Access Act, regardless of whether it is appealed. Any action taken by the board pursuant to this section as a result of a complaint, charge or accusation must be supported by a statement of findings and must be issued as a written decision of the board. The written decision of the board and findings are public records under the Freedom of Access Act.