

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FOUR

H.P. 1307 - L.D. 2045

An Act to Establish Training and Certification Standards for Probation and Parole Officers

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

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

5. Law enforcement officer. "Law enforcement officer" means a person who by virtue of public employment is vested by law with the power to make arrests for crimes or serve criminal process, whether that power extends to all crimes or is limited to specific crimes, and who possesses a current and valid certificate issued by the board pursuant to section 2803-A. As used in this chapter, "law enforcement officer" does not include federal law enforcement officers or attorneys prosecuting for the State or persons who perform probation functions or are adult probation supervisors as defined in Title 17-A, section 2, subsection 3-C.

Sec. 2. 25 MRSA §2801-A, sub-§7-A is enacted to read:

7-A. Probation and parole officer. "Probation and parole officer" means an employee of the Department of Corrections with duties described in Title 34-A, section 5404 who possesses a current and valid certificate issued by the board pursuant to section 2803-A, subsection 5-C or a provisional certification as determined by the board for certain employees employed prior to July 1, 2025.

Sec. 3. 25 MRSA §2801-B, sub-§1, ¶A, as repealed and replaced by PL 2013, c. 588, Pt. A, §33, is amended to read:

A. An employee of the Department of Corrections ~~with a duty to perform probation functions or who is an adult probation supervisor as defined in Title 17-A, section 2, subsection 3-C or who is~~ an investigative officer or other employee of the Department of Corrections authorized to exercise law enforcement powers as described in Title 34-A, section 3011;

Sec. 4. 25 MRSA §2803-A, sub-§5-C is enacted to read:

5-C. Training and certification of probation and parole officers. To establish training and certification standards for probation and parole officers, set requirements for board-approved courses, prescribe curricula and certify graduates of board-approved courses. Certification must be based on the officer's demonstration of having acquired specific knowledge and skills directly related to job performance;

Sec. 5. 25 MRSA §2804-M is enacted to read:

§2804-M. Probation and parole officer basic training and certification

1. Training and certification required. Beginning July 1, 2025, as a condition to the continued employment of a person hired as a probation and parole officer, that person shall successfully complete, within the first 12 months of employment, a basic training course approved by the board and meet the certification standards established by the board pursuant to section 2803-A, subsection 5-C. Thereafter, as a condition to continued employment as a probation and parole officer, the officer shall satisfactorily maintain the basic certification. The board, under extenuating and emergency circumstances in individual cases, may extend the 12-month period for not more than 180 days. The board, in individual cases, may waive basic training requirements when the facts indicate that an equivalent course has been successfully completed in another state or federal jurisdiction.

Sec. 6. 25 MRSA §2804-N is enacted to read:

§2804-N. In-service probation and parole officer training

1. Required. Beginning July 1, 2025, as a condition to the continued employment of any person as a probation and parole officer, that person shall successfully complete in-service training as prescribed by the board. Failure to successfully complete in-service training by a probation and parole officer as prescribed by the board constitutes grounds to suspend or revoke a certificate issued by the board pursuant to section 2803-A.

2. Role of board. The board shall establish in-service training requirements, consistent with subsection 1, and coordinate delivery of in-service training. The in-service recertification training requirements must include information on new laws and court decisions. The board shall consider and encourage the use of telecommunications technology in the development and delivery of in-service training programs. In establishing the recertification training requirements, the board shall cooperate with the Department of Corrections to ensure that the standards are appropriate. In-service training may not be applied to satisfy in-service recertification training requirements unless it is approved by the board.

3. Provision of in-service training. In-service training programs that meet the requirements established under subsection 2 or other in-service training may be provided by the Maine Criminal Justice Academy or the Department of Corrections.

4. Credit for continuing education. The board may grant in-service training credits to be applied to in-service recertification training requirements for courses completed at accredited colleges and universities.

Sec. 7. Probation and parole officer certification transfer.

1. Provisional certification. A probation and parole officer working for the Department of Corrections who has satisfied employment and training requirements

established pursuant to the Maine Revised Statutes, Title 34-A, section 5402, subsection 2 prior to July 1, 2025 is provisionally certified until October 1, 2025.

2. Transfer application. No later than October 1, 2025, for each probation and parole officer who is provisionally certified pursuant to subsection 1 and is employed by the Department of Corrections, the department shall submit documentation required by the Board of Trustees of the Maine Criminal Justice Academy to establish current and valid certification as a probation and parole officer.

Sec. 8. Board of Trustees of the Maine Criminal Justice Academy to establish training and certification standards. The Board of Trustees of the Maine Criminal Justice Academy shall establish training and certification standards for probation and parole officers pursuant to the Maine Revised Statutes, Title 25, section 2803-A, subsection 5-C no later than July 1, 2025.