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An Act To Update and Clarify Statutes Related to or Administered by the Department of Public Safety

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

PART A

Sec. A-1. 5 MRSA §948, sub-§1, as amended by PL 2003, c. 20, Pt. R, §§5 and 6, is further amended to read:

1. Major policy-influencing positions. The following positions are major policy-influencing positions within the Department of Public Safety. Notwithstanding any other provision of law, these positions and their successor positions ~~shall be~~ subject to this chapter:

- A. Chief, Bureau of State Police;
- C. Director, Office of State Fire Marshal;
- D. Director, Maine Criminal Justice Academy;
- E. Assistant to the Commissioner for Public Information;
- G. ~~Two Deputy Chiefs~~Chief, Bureau of State Police;
- H. Director, Bureau of Highway Safety;
- I. Director, Maine Drug Enforcement Agency;
- J. ~~Assistant Director, Maine Drug Enforcement Agency;~~
- K. Two majors, Bureau of State Police; ~~and~~
- L. Director, Maine Emergency Medical Services;
- M. Director, Bureau of Consolidated Emergency Communications; and
- N. Director, Bureau of Building Codes and Standards.

PART B

Sec. B-1. 23 MRSA §6072, sub-§1, ¶A, as amended by PL 2003, c. 199, §1, is further amended to read:

- A. Has met all the education and training requirements as outlined under former Title 25, section 2805, first paragraph or Title 25, ~~sections~~section 2804-B ~~and~~or 2804-C;

PART C

Sec. C-1. 25 MRSA §1533, as enacted by PL 2003, c. 678, §2, is repealed and the following enacted in its place:

§ 1533. Bureau of Consolidated Emergency Communications

The Bureau of Consolidated Emergency Communications, referred to in this chapter as "the bureau," is established within the department for the provision of emergency dispatch and E-9-1-1 call-taking services to municipal, county and state government entities.

1. Coordination with the Public Utilities Commission. In accordance with a designation made by the Public Utilities Commission, the department shall provide E-9-1-1 call-taking services.

2. Director; duties. The Commissioner of Public Safety shall hire a Director of the Bureau of Consolidated Emergency Communications, referred to in this chapter as "the director." The director shall carry out policies and procedures established by the board. The director shall administer the bureau to safeguard the public safety by the provision of 24-hour per day E-9-1-1 call-taking and dispatching services to first responders.

PART D

Sec. D-1. 25 MRSA §2801-B, sub-§1, ¶H, as amended by PL 2005, c. 139, §1 and c. 331, §6, is further amended to read:

H. The State Fire Marshal or Assistant State Fire Marshal;

PART E

Sec. E-1. 25 MRSA §2901, as amended by PL 2003, c. 451, Pt. T, §4, is further amended to read:

§ 2901. Department; commissioner

There is created and established the Department of Public Safety to coordinate and efficiently manage the law enforcement and public safety responsibilities of the State, to consist of the Commissioner of Public Safety, in this chapter called "commissioner," who is appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over criminal justice matters and to confirmation by the Legislature, to serve at the pleasure of the Governor, and the following: the Bureau of State Police, the Office of the State Fire Marshal, the Maine Criminal Justice Academy, the Bureau of Highway Safety and, the Maine Drug Enforcement Agency, Maine Emergency Medical Services, the Bureau of Capitol Security, the Bureau of Consolidated Emergency Communications, the Bureau of Building Codes and Standards and the Gambling Control Unit.

Sec. E-2. 25 MRSA §2901-A, as enacted by PL 1975, c. 579, §11, is amended to read:

§ 2901-A. Duties of commissioner

The commissioner shall be the chief executive officer of the Department of Public Safety. He and shall coordinate and supervise the activities and programs of the bureaus and agency which that are part of the department; undertake comprehensive planning and analysis with respect to the functions and responsibilities of the department; and develop and implement, whenever necessary, procedures and practices to promote economy and coordination within the department; and actively seek cooperation between the department and all other law enforcement officers and agencies in the State. From time to time, he the commissioner shall recommend to the Governor and Legislature such changes in the laws relating to the organization, functions, services or procedures of the agency and bureaus of the department as he shall deem the commissioner considers desirable. The commissioner shall prepare a budget for the department.

Sec. E-3. 25 MRSA §2902, sub-§7, as amended by PL 2001, c. 559, Pt. KK, §4, is further amended to read:

7. Bureau of Highway Safety. The Bureau of Highway Safety, which is under the direction of the Director of the Bureau of Highway Safety. The bureau is responsible for the State's highway safety program. The bureau is authorized to develop and implement a process for obtaining information about highway safety programs administered by other state and local agencies and to provide and facilitate the provision of financial and technical assistance to other state agencies and political subdivisions for the purpose of developing and carrying out highway safety programs; and

Sec. E-4. 25 MRSA §2902, sub-§8, as enacted by PL 2001, c. 559, Pt. KK, §4, is amended to read:

8. Bureau of Capitol Security. The Bureau of Capitol Security, which is under the direction of the Director Chief of the Bureau of Capitol Security. Security officers of this bureau are those appointed by the Commissioner of Public Safety pursuant to section 2908.;

Sec. E-5. 25 MRSA §2902, sub-§9 is enacted to read:

9. Bureau of Consolidated Emergency Communications. The Bureau of Consolidated Emergency Communications, which is under the direction of the Director of the Bureau of Consolidated Emergency Communications;

Sec. E-6. 25 MRSA §2902, sub-§10 is enacted to read:

10. Maine Emergency Medical Services. The Maine Emergency Medical Services, which is under the direction of the Director of Maine Emergency Medical Services;

Sec. E-7. 25 MRSA §2902, sub-§11 is enacted to read:

11. Bureau of Building Codes and Standards. The Bureau of Building Codes and Standards, which is under the direction of the Director of the Bureau of Building Codes and Standards; and

Sec. E-8. 25 MRSA §2902, sub-§12 is enacted to read:

12. Gambling Control Unit. The Gambling Control Unit.

Sec. E-9. 25 MRSA §2903, as enacted by PL 1977, c. 37, is amended to read:

§ 2903. Temporary enforcement powers

The Commissioner of Public Safety, at ~~his~~the commissioner's discretion, is authorized to grant statewide power of enforcement of the criminal laws of the State to ~~local~~county and municipal law enforcement officers, as defined in section ~~2805~~2801-A, subsection 5, assigned to the Department of Public Safety for the duration of that assignment, according to procedures established for that purpose. That power ~~shall~~may be granted only to ~~local~~county and municipal law enforcement officers who have completed a basic training course at the Maine Criminal Justice Academy or for whom the basic training course has been waived by the board of trustees of the academy because of equivalent training, as provided in section ~~2805~~2804-C, subsection 1 or 5.

Sec. E-10. 25 MRSA §2904, sub-§1, as amended by PL 2001, c. 559, Pt. KK, §5, is further amended to read:

1. Commissioner of Public Safety. Except as provided in subsection 2, the Commissioner of Public Safety is authorized and empowered to adopt rules, including a schedule of parking violation fees, subject to the approval of the Governor, governing the security regarding use and occupancy of all parks, grounds, buildings and appurtenances maintained by the State at the capitol area or other state-controlled locations in Augusta. ~~These rules become effective upon deposit of a copy with the Secretary of State, who shall forward a copy attested under the Great Seal of the State to the District Court for Southern Kennebec.~~ Prior to adoption of new or amended rules, the commissioner shall provide notice of rulemaking to the Legislative Council. Rules adopted pursuant to this subsection are routine technical rules as described in Title 5, chapter 375, subchapter 2-A.

Sec. E-11. 25 MRSA §2906, as amended by PL 1991, c. 665, §§1 and 2, is repealed and the following enacted in its place:

§ 2906. Rules

1. Rules. The Commissioner of Public Safety is authorized and empowered to make and enforce rules, subject to the approval of the Governor, governing the use of public ways and parking areas maintained by the State at the capitol area or other state-controlled locations in Augusta.

2. Fees. The Commissioner of Public Safety may by rule establish a method by which persons charged with the violation of parking regulations may waive all court action by payment of specified fees within specified periods of time. These rules may provide that a vehicle unlawfully parked is prima facie evidence of the unlawful parking of the vehicle by the person in whose name the vehicle is registered. The specified fee for any violation must be at least \$10.

Rules adopted pursuant to this section are routine technical rules as described in Title 5, chapter 375, subchapter 2-A.

Sec. E-12. 25 MRSA §2908, as repealed and replaced by PL 1989, c. 857, §59, is repealed and the following enacted in its place:

§ 2908. Security officers; powers and duties; cooperation

1. Appointment of security officers. The Commissioner of Public Safety may appoint and employ security officers, subject to the Civil Service Law. The specific duties and powers of security officers appointed and employed are to patrol the public ways and parking areas, as defined by section 2905, to provide security for all parks, grounds, buildings and appurtenances maintained by the State in the capitol area and other state-controlled locations designated by the commissioner and to enforce any rules adopted pursuant to this chapter. The commissioner may expand the duties and powers of security officers in the capitol area, other state-controlled locations and public ways designated by the commissioner beyond the duties and powers enumerated in this section to investigate, prosecute, serve process on and arrest violators of any law of this State. Security officers may issue summons in the course of their duty to enforce this section. The commissioner, at the commissioner's discretion, is authorized to grant statewide power of enforcement of any law of this State to security officers described in this subsection. That power may be granted only to security officers who have completed a basic training course at the Maine Criminal Justice Academy or for whom the basic training course has been waived by the board of trustees of the academy because of equivalent training, as provided in section 2804-C, subsection 1 or 5. The commissioner shall provide forms and standard operating procedures to security officers to carry out their functions under this section.

2. Cooperation of other law enforcement agencies. The State Police, sheriffs, deputy sheriffs, constables and municipal police officers shall, as far as possible, cooperate with the security officers appointed and employed under this section in the enforcement of rules adopted pursuant to this chapter and any law of this State.

SUMMARY

This bill:

1. Updates the list of major policy-influencing positions of the Department of Public Safety;
2. Corrects the definition of "qualified person" in the Maine State Railroad Police Act;
3. Establishes the Bureau of Consolidated Emergency Communications;
4. Clarifies that the training standards and requirements of the Maine Revised Statutes, Title 25, section 2803-B do not apply to the Assistant State Fire Marshal;
5. Designates rules adopted by the Commissioner of Public Safety governing the security regarding use and occupancy of parks, grounds and buildings maintained by the State at the capitol area or other state-controlled locations in Augusta as routine technical rules;
6. Designates rules adopted by the Commissioner of Public Safety governing the use of public ways and parking areas maintained by the State at the capitol area or other state-controlled locations in Augusta as routine technical rules;

7. Authorizes the Commissioner of Public Safety to grant statewide power of enforcement of any law of this State to a capitol security officer if that officer has completed a basic training course at the Maine Criminal Justice Academy or equivalent training; and

8. Generally updates and corrects statutes relating to the organizational structure of the Department of Public Safety.