

# MAINE STATE LEGISLATURE

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JAMES E. TIERNEY  
ATTORNEY GENERAL



STATE OF MAINE  
DEPARTMENT OF THE ATTORNEY GENERAL  
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AUGUSTA, MAINE 04333

October 28, 1983

Honorable Laurence L. Kiesman  
RR. #1  
Bridgton Road  
Fryeburg, Maine 04037

Dear Representative Kiesman:

This will respond to your letter of September 15, 1983 in which you ask a series of questions concerning Chapter 67 of the Public Laws of 1983. In particular, your questions relate to section 4 of Chapter 67 which provides, in relevant part, as follows:

As a condition to the continued employment of any person as a reserve or part-time law enforcement officer by a municipality or county, except a law enforcement officer without the power to arrest and without the authority to carry a weapon, the person must receive from the [Maine Criminal Justice] academy, within the first year of his employment, certification or a waiver of certification as a reserve or part-time law enforcement officer.

25 M.R.S.A. § 2805-A(4), as enacted by P.L. 1983, c. 67, § 4.

Your first question asks whether a municipality has the authority to employ an individual as a security officer, without the power to arrest or carry a weapon, and without receiving training from the Maine Criminal Justice Academy, to provide general security at a public function and to direct traffic. This Department answers in the affirmative.

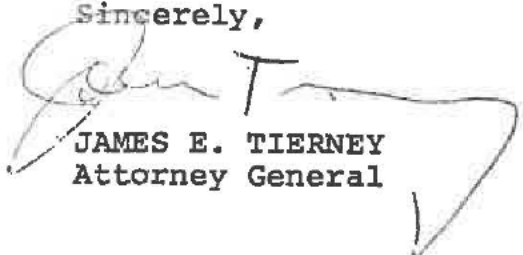
Pursuant to 30 M.R.S.A. § 2362 (1982-1983 Supp.) municipalities are specifically authorized to appoint "special police officers of limited jurisdiction" who "shall have all the powers of a police officer, except as specifically provided by municipal ordinance or the certificate of appointment." (emphasis supplied). By virtue of this statutory provision, it seems clear that a municipality is authorized to appoint individuals as special police officers with no authority (except as citizens) to arrest or carry a weapon. In the event a municipality makes such an appointment, the appointee would not be required to receive the training certificate specified in 25 M.R.S.A. § 2805-A(4). This would be true even if the appointment were for full-time employment since the training requirements for municipal officers applies only to those with the power to arrest. 25 M.R.S.A. § 2805(2)(B).<sup>1/</sup>

You have also asked whether the language of 25 M.R.S.A. § 2805-A(4), referring to law enforcement officers "without the authority to carry a weapon," was intended to limit the right of individuals to possess an exposed weapon or to obtain a concealed weapons permit pursuant to 25 M.R.S.A. § 2032. The answer is clearly no.

The purpose of the above-quoted language is not to limit the general right of a person to carry an exposed weapon or to alter the concealed weapons law. Rather, its purpose is to provide that those law enforcement officer who, as part of their employment, are not authorized to carry a weapon are not required to be certified by the Maine Criminal Justice Academy.

I hope this information is helpful to you, and please feel free to call upon me if I can be of further assistance.

Sincerely,



JAMES E. TIERNEY  
Attorney General

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<sup>1/</sup> You have also asked whether such an appointee may wear some type of uniform and be equipped with a walkie-talkie on a police frequency. These matters are clearly within a municipality's authority.