

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1413

H. P. 1025

House of Representatives, March 9, 1971

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Hardy of Hope.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Relating to Railroad Police Officers.

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

Sec. 1. R. S., T. 5, § 86, amended. Section 86 of Title 5 of the Revised Statutes, as amended, is further amended by adding at the end a new paragraph to read as follows:

For receiving, filing and recording certificate of qualification of railroad police officers, \$5.

Sec. 2. R. S., T. 25, § 2031, amended. The 3rd sentence from the end of section 2031 of Title 25 of the Revised Statutes is amended to read as follows:

This section shall not be construed as prohibiting the carrying or wearing of such weapons by United States marshals, sheriffs and their deputies, constables, **railroad police**, police officers, licensed private detectives and other officers charged with the enforcement of law.

Sec. 3. R. S., T. 35, § 1199, additional. Title 35 of the Revised Statutes is amended by adding a new section 1199 to read as follows:

§ 1199. Police officers

Upon the application of any corporation owning or operating a railroad within the State, the Governor, with the advice and consent of the Council, may appoint any person as a police officer for said corporation, who shall have authority, in all cases in which the rights of such railroad company are involved, to exercise within the State the same powers and duties throughout the several counties of the State as sheriffs have in their respective counties to preserve the peace, to investigate and prosecute violators of any law of this

State and to arrest the offenders thereof, and the same power and duty as sheriffs have to arrest without warrant and detain persons found violating or attempting to violate any penal law of the State until a legal warrant can be obtained.

The application shall be made to the Secretary of State in writing, specifying the name, age and address of each person for whom an appointment is sought and a commission shall issue to each person appointed.

Compensation of every such police officer shall be such as may be agreed upon between him and the corporation requesting his appointment and shall be paid by the corporation.

When any corporation shall no longer require the services of any such policeman, it shall file notice to that effect in the office of the Secretary of State, and shall mail a copy of said notice to the person whose appointment is to be terminated, and such policeman's powers as such shall thereupon terminate.

STATEMENT OF FACT

Railroad police officers are railroad employees and, as such, have no power of arrest. This legislation would confer upon them, with respect to railroad property, the same powers, on a state-wide basis, as other law enforcement officers. The legislation is in conformity with statutory provisions in force in several other states.