

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

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Legislative Document

No. 570

H. P. 471

House of Representatives, February 6, 1975

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

EDWIN H. PERT, Clerk

Presented by Mr. Gray of Rockland.

Cosponsor: Mr. Faucher of Solon.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

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AN ACT Relating to the Regulation of Private Detectives and Watch, Guard  
and Patrol Agency.

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

Sec. 1. 32 MRSA, § 3804, as last amended by PL 1973, c. 292, § 1, is further amended by adding after the first paragraph, the following new paragraphs:

No Maine State Police Officer, sheriff, deputy sheriff, municipal police officer or constable who is so employed shall engage himself in the business of providing watch, guard or patrol agency service for remuneration in any municipality in which a licensed private watch, guard or patrol agency is so engaged.

Each county and municipality of this State is prohibited from providing watch, guard and patrol agency services for remuneration in any municipality in which a duly licensed private watch, guard or patrol agency is engaged in the business of providing such service.

Sec. 2. 32 MRSA, § 3804-A, as enacted by PL 1971, c. 582, § 1, is repealed.

Sec. 3. 32 MRSA, §§ 3804-B and 3804-C are enacted to read:

§ 3804-B. Qualifications

Any applicant for a license to engage in the business of watch, guard and patrol agency must possess at least 3 years' cumulative experience as a full-time law enforcement officer in this State or any other state or at least an associate degree in law enforcement from an accredited college or university.

**§ 3804-C. Liability**

No licensee nor any employee of any licensee while acting in the course of employment for a watch, guard and patrol agency shall be held liable in any civil or criminal action for effecting an arrest on property entrusted to his care and protection or for an arrest in fresh pursuit from said property for any misdemeanor committed in his presence and for which there is probable cause to arrest or for any felony for which there is probable cause to arrest if said misdemeanor or felony occurred on or about the property, the care and protection of which has been entrusted to said licensee or his employee, provided said licensee possesses the qualification set out in section 3804-B.

Notwithstanding the provisions of Title 25, section 2031, no licensee nor any employee of any licensee, while acting in the course of employment for a watch, guard and patrol agency or while in transit to or from his place of business or property entrusted to his care and protection, shall be held liable in any criminal action for possession of any firearm, weapon or weapons on or about his person whether concealed or openly displayed upon his person, provided said licensee possesses the qualifications set out in section 3804-B, and provided said licensee or his employee has not been convicted of a felony in any federal or state court.

**STATEMENT OF FACT**

It is the intent of this Act to upgrade the Watch, Guard and Patrol Agency and licenses.