

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
107TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 2211, L.D. 2309, Bill, "AN ACT to Reform the Regulation of Watch, Guard and Patrol Agencies and of Private Detectives."

Amend said Bill by striking out everything after the enacting clause and inserting in place thereof the following:

'Sec. 1. 32 MRSA §3804-A, as enacted by PL 1971, c. 582, §1, is amended to read:

§3804-A. Construction

Nothing in this chapter shall be construed to confer on any person licensed under this chapter any of the power and authority of sheriffs or police officers, except in cases of felony and offenses under ~~Title 17, chapters 61, 73, 113 and 115 and~~ Title 17, section 3104 and Title 17-A, chapter 15, sections 351 through 362 and chapter 39, sections 951 through 958.

Sec. 2. 32 MRSA §3805, last sentence, as enacted by PL 1975, c. 579, §19, is amended to read:

The Chief of the State Police shall process such applications and review the applicants to assure compliance with the provisions of this section and shall present such applications, with his findings, to the Governor Commissioner ~~4~~ of Public Safety.

Sec. 3. 32 MRSA §3806, 1st ¶, as enacted by PL 1971, c. 582, §1, is amended to read:

~~The Governor, with the advice and consent of the Council,~~
Commissioner ~~←~~ ~~→~~ of Public Safety may grant to an applicant complying with section 3805 a license to engage in the private detective business or a license to engage in the business of watch, guard or patrol agency, provided that no such license shall be granted to any person who has been convicted in any state of the United States of a felony.

Sec. 4. 32 MRSA §3806, last ¶, as enacted by PL 1971, c. 582, §1, and as amended by PL 1975, c. 579, §20, is further amended to read:

~~The Governor, with the advice and consent of the Council,~~
Commissioner ~~←~~ ~~→~~ of Public Safety may annually renew and may at any time for cause, after notice and hearing, revoke any such license. An application for a renewal shall be on a form furnished by the Chief of the State Police and the information contained in such application shall be reviewed by the chief for continued compliance with the provisions of section 3805 before such application is submitted to the Governor Commissioner of
~~←~~ Public Safety.

Sec. 5. 32 MRSA §3807, sub-§1, 2nd ¶, as enacted by PL 1971, c. 582, §1, is amended to read:

Each resident licensed to engage in the private detective business or licensed to engage in the watch, guard or patrol agency business shall give to the Governor Commissioner ~~←~~ ~~→~~ of Public

Safety a bond in the sum of \$5,000. All such bonds shall be executed by the licensee as principal and by a surety company authorized to do business as such in the State of Maine as surety. Such bond shall be in such form as the Governor Commissioner of ~~_____~~ Public Safety may prescribe, conditioned upon the honest conduct of the business of the licensee and the right of any person, including the officer of any aggrieved labor union or association whether or not incorporated, injured by the willful, malicious, wrongful or negligent act of the licensee to bring in his own name an action on the bond.

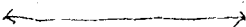
Sec. 6. 32 MRSA §3807, sub-§2, 3rd ¶, as enacted by PL 1971, c. 582, §1, is amended to read:

Each nonresident licensed to engage in the private detective business shall give to the Governor Commissioner of Public Safety a bond in the sum of \$25,000; and each nonresident licensed to engage in the watch, guard or patrol agency business shall give to the Governor Commissioner of Public Safety a bond in the sum of \$25,000. All such bonds shall be executed by the licensee as principal and by a surety company authorized to do business as such in the State of Maine as surety. Such bond shall be in such form as the Governor Commissioner of ~~_____~~ Public Safety may prescribe, conditioned upon the honest conduct of the business of the licensee and the right of any person, including the officer of any aggrieved labor

union or association whether or not incorporated, injured by the willful, malicious, wrongful or negligent act of the licensee to bring in his own name an action on the bond.

Sec. 7. 32 MRSA §3807, sub-§3 is enacted to read:

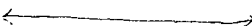
3. Expenses. The necessary expenses of administering this chapter shall be paid out of the fees received under this chapter.

Sec. 8. 32 MRSA §3808, 3rd ¶, last sentence, as enacted by PL 1971, c. 582, §1, is amended to read:
Such statements shall be kept on file by the licensee and furnished to the ~~Governor~~ Commissioner  of Public Safety on demand.'

Statement of Fact

The purposes of this Amendment are:

1. To transfer from Title 17, chapters 61, 73, 113 and 115 to Title 17-A, chapters 15 and 39, and Title 17/^{section 3104}the responsibility of persons licensed under this chapter from any power and authority of sheriffs or police officers, except in cases of felony and offenses.

2. To transfer certain powers from the Governor to the Commissioner of  Public Safety concerning the filing and issuing of applications; the granting, renewing and revoking of the licenses; and the bonding of persons licensed under this chapter.

3. To provide for the payment of administrative expenses from fee received under this chapter.

Reported by the Committee on Legal Affairs.

Reproduced and distributed under the direction of the Clerk of the House.
4/2/76

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