

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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**Legislative Document**

**No. 1014**

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H. P. 790

House of Representatives, March 10, 1977

On motion of Mr. Carroll of Limerick, referred to Committee on Transportation. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Curran of South Portland.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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**AN ACT Authorizing the Commissioner of Public Safety to Appoint and Commission Railroad Policemen and Providing Regulations Pertaining Thereto.**

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

35 MRSA c. 57 is enacted to read:

**CHAPTER 57**

**MAINE STATE RAILROAD POLICE ACT**

§ 1301. Short title

This Act shall be known and may be cited as the "Maine State Railroad Police Act."

§ 1302. Definitions

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings.

1. Qualified person. "Qualified person" means a person who:

A. Has met all the education and training requirements as outlined under the Mandatory Training Act, Title 25, section 2805; and

B. Is of good moral character and has no record of conviction of a serious crime;

provided the qualification and in-service training requirements of paragraph A shall not apply to any individual who was employed on a full-time basis by a railroad as a police officer on the date this Act became law.

2. Railroad; railroads; railway company. "Railroad," "Railroads" or "railway company" or any combination of such words means a corporation engaged as a common carrier in the furnishing or sale of transportation by railroad, if subject to the jurisdiction of the Interstate Commerce Commission.

#### § 1303. Appointment

Upon request by the chief police officer of any railroad located wholly or partially within this State, the Commissioner of Public Safety may appoint and commission as a railroad police officer any qualified person named by such chief police officer or, in the absence of a chief police officer, the chief operating officer of the railroad; provided that the Commissioner of Public Safety may refuse to appoint or may rescind the appointment of anyone who, in the opinion of the commissioner, is not a qualified person. Nothing contained in this Act shall have the effect to relieve any such railroad from any civil liability for acts of a policeman in exercising or attempting to exercise the powers conferred by this Act.

#### § 1304. Oath of office

Each policeman so appointed and commissioned shall, before entering upon the duties of his office, take an oath of office administered by the commissioner.

#### § 1305. Powers

Each policeman shall have the authority in all cases in which the rights of the appointing railroads are involved to exercise within this State all powers, including the powers of arrest and the carrying of firearms, for the reasonable purpose of his office. In addition to such powers, the railroad police are vested with the same powers throughout the several counties of the State as the sheriffs have in their respective counties as outlined in Title 25, section 1502.

#### § 1306. Disposition of persons arrested

The keepers of jails, lockups and station houses in any county, city or town, shall receive all persons arrested by railroad police for the commission of any offense against the laws of this State, or the ordinance of any such city or town, to be dealt with according to law, and persons arrested shall be received by keepers of jails, lockups or station houses and such persons shall have the same status as other persons arrested by any other police or peace officer of this State.

#### § 1307. Carrying of shield

Each policeman so appointed and commissioned shall, when on duty, carry a shield or star with the words "Police," "Railroad Police" or "Railway Police," and the name of the appointing railroad inscribed thereon. The shield or star shall be of uniform design. This shield or star shall be worn in plain view

when in uniform. Such policeman shall also carry, when on duty, an identification card issued by the appointing railroad.

#### § 1308. Compensation

The compensation for each policeman shall be paid by the appointing railroad.

#### § 1309. Reciprocity

In order to more effectively carry out the purposes of this Act, the Governor of this State, referred to as the empowering State, may enter into a reciprocal agreement with the Governor of any other state, referred to as the reciprocal state, subject to any regulations prescribed under such agreement, empowering a railroad policeman with the right to perform any police function that can be lawfully exercised by a police officer of the reciprocal state relating to the detection and apprehension of any person committing an offense or offenses against the empowering or the reciprocal state, but only to the extent that such offense is, or offenses are, committed on property owned, operated or maintained by the appointing railroad or committed against property owned or in the possession of such railroad.

#### § 1310. Termination of authority

Upon termination of employment of any railroad policeman, the powers of such policeman shall cease and terminate. Within 10 days after such termination, the appointing railroad shall, through its designated chief police officer or, in the absence of a chief police officer, its chief operating officer, file a notice of termination of employment of such individual with the Commissioner of Public Safety.

### STATEMENT OF FACT

The purpose of this bill is to authorize the Commissioner of Public Safety to appoint and commission railroad policemen.

Maine is one of only a very few states without railroad police statutes. Railroad police in Maine now operate through county deputy sheriff commissions, which require considerable time and expense of bonds each year and place restrictions upon an officer in the pursuit of his duties. Railroad police need jurisdiction and authority to enforce state statutes applicable to railroads. Such authority would grant a qualified, commissioned railroad police officer power to protect railroad property, cargo, patrons and employees from vandalism, injury, fraud, theft, etc.

The Maine State Railroad Police Act will authorize the Commissioner of Public Safety to commission railroad policemen upon request by any railroad located within Maine. Railroad policemen, so commissioned, shall have authority in cases in which the appointing railroad is involved and will be limited only to those cases in which an offense or crime has been committed on or against the property owned, controlled or in the possession of his railroad employer or against any of its employees.