

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1192

H. P. 990

House of Representatives, March 23, 1977

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

EDWIN H. PERT, Clerk

Presented by Mr. Curran of South Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Relating to the Regulation of Watchmen, Guards or Patrolmen.

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

Sec. 1. 32 MRSA § 3803, sub-§ 4, as enacted by PL 1971, c. 582, § 1, is amended to read:

4. "Watch, guard or patrol agency" means the business of watch, guard or patrol agency, including the furnishing, for hire or reward, of watchmen, guards, private patrolmen or other persons to protect persons or property, to perform crowd control, to direct traffic either pedestrian or vehicular or to otherwise perform duties normally associated with regular law enforcement activities, to prevent the theft or the unlawful taking of goods, wares or merchandise, or the misappropriation or concealment thereof of money, bonds, stocks, notes or other valuable documents, papers or articles of value, or to procure the return thereof, whether or not other functions or services are also performed for hire or reward, or other persons are employed to assist therein.

Sec. 2. 32 MRSA § 3803, sub-§ 5 is enacted to read:

5. The phrase "business of" as used in this section, shall not be interpreted to require the obtaining of a license in compliance with this chapter by any state, county or local law enforcement officer, who is bounded in accordance with this chapter and who engages in that type of activity regulated by this chapter on a part-time, off-duty basis.

Sec. 3. 32 MRSA § 3804, 1st 2 ¶¶s, as enacted by PL 1971, c. 582, § 1, are repealed and the following enacted in their places:

No person, firm, corporation or other legal entity shall engage in, advertise or hold himself out as being engaged in, nor solicit private detective business

or the business of watch, guard or patrol agency, notwithstanding the name or title used in describing such business, unless licensed for such purpose as provided in section 3806. No licensed private detective, watchman, guard or patrolman or person licensed to engage in the private detective business or the watch, guard or patrol agency business may employ or engage any other person to act as a private detective or engage in the private detective business unless that person so employed or engaged has a license as provided in section 3806.

This section shall not apply to the following :

Sec. 4. 32 MRSA § 3808, 1st ¶, 1st sentence, as enacted by PL 1971, c. 582, § 1, is amended to read :

A licensee may employ to assist him in his business as many persons as he may deem necessary, except that a licensed private detective, **watchman, guard or patrolman** or licensed person engaged in the private detective business or **watch, guard or patrol agency business** may not employ a person to act as a private detective, **watchman, guard or patrolman** or engage in the private detective business or **the watch, guard or patrol agency business** unless that person so employed or engaged has a license as provided in section 3806.

Sec. 5. 32 MRSA § 3810 is enacted to read :

§ 3810. Training course for watchmen, guards and patrolmen

1. Completion of course. No individual licensed as a watchman, guard or patrolman under this Act, shall be employed who has not received a certificate of having satisfactorily completed a basic law enforcement officer training course.

2. Standards. The basic law enforcement officer training course, shall meet the standards which shall be prescribed by the Commissioner of Public Safety. Each course shall contain instruction in the use of firearms, traffic control, crowd control and first aid.

Sec. 6. 32 MRSA § 3810-A is enacted to read :

§ 3810-A. Regulation of uniforms

A city, town, municipality or county may regulate the uniform, insignias and badges worn by persons employed as watchmen, guards or patrol agents or persons engaged in the watch, guard or patrol agency business or displayed on vehicles used by such persons in order that they are clearly distinguishable from uniforms worn by and vehicles used by local or state regular law enforcement officers.

STATEMENT OF FACT

This bill clarifies the law so that individual hired to perform functions normally performed by regular law enforcement officers such as control of

traffic and crowds are covered by it. Increasingly, untrained individuals are placed alone or with regular law enforcement officials in positions of great responsibility for the safety of the public. This bill requires that such individuals have received minimal training in the use of firearms, crowd control and traffic control prior to performing work so that they will be prepared to meet the emergencies which routinely arise in such situations.