

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 295

H. P. 250

House of Representatives, February 2, 1979

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

EDWIN H. PERT, Clerk

Presented by Mr. Lancaster of Kittery.

Cosponsor: Mr. Gould of Old Town.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT Relating to Constables and Special Police Officers.

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

Sec. 1. 30 MRSA § 2362, as enacted by PL 1973, c. 135, § 1, is amended by adding at the end the following new sentences:

Any person appointed as special police officer shall be bonded according to section 5001, before assuming the duties of office. Notwithstanding any other provision of law, no special police officer shall be authorized to carry a weapon, concealed or unconcealed, in the performance of his duties unless specifically provided by the certificate of appointment.

Sec. 2. 30 MRSA § 2363, as enacted by PL 1973, c. 135, § 1, is amended to read:

§ 2363. Constables

Constables shall be appointed in the same manner and with the same effect as special police officers. **Any person appointed as constable shall be bonded according to section 5001, before assuming the duties of office.** Persons injured by the neglect or misdoings of a constable have the same remedy by preliminary action, and action of his bond, as in case of a sheriff's bond. For services which may be performed either by a deputy sheriff or a constable, the constable is

allowed the same fees as a deputy sheriff, unless otherwise provided. **Notwithstanding any other provision of law, no constable shall be authorized to carry a weapon, concealed or unconcealed, in the performance of his duties unless specifically provided by the certificate of appointment.**

STATEMENT OF FACT

The purpose of this bill is to ensure that volunteer or part-time local law enforcement officers that are not required to attend the Criminal Justice Academy will be allowed to carry a weapon in the performance of their duties only if the appointing authority deliberately determines that the appointee is qualified to do so and that it is necessary for the performance of his specified duties. It further provides a bonding requirement for those officers.