

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-97)
110TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 285, L.D. 332, Bill,
"AN ACT to Revise the Law Relating to the Licensing of Private
Security Guards."

Amend the bill in section 2 \leftarrow in that part
designated "§9405." ^{by striking out} subsection 1 and inserting in its place
the following:

1. Qualifications. Subject to this section, a person
is qualified to be licensed as a contract security company
who has demonstrated good moral character and:

- A. Is at least 18 years of age;
- B. Is a citizen or resident alien of the United States;
- C. Has not been dishonorably discharged from military
service;
- D. Has not been convicted of a crime which is punishable
by a maximum term of imprisonment equal to or exceeding
one year or any crime enumerated in this chapter; and
- E. Submits an application which contains the following:
 - (1) Full name;
 - (2) Full current address and addresses for the
prior 5 years;
 - (3) The date and place of birth, height, weight
and color of eyes;
 - (4) A statement granting the chief of police authority
to check the criminal records of any law enforcement

agency. The applicant must agree to submit to having his fingerprints taken by the issuing authority if it becomes necessary to resolve any question as to his identity; and

(5) Answers to the following questions.

(a) Are you currently under indictment or information for a crime for which the penalty is imprisonment for in excess of one year?

(b) Have you ever been convicted of a crime for which the penalty possible exceeded one year in prison?

(c) Are you a fugitive from justice?

(d) Are you an unlawful user of or addicted to marijuana or any other drug?

(e) Have you been adjudged mentally defective or been committed to a mental institution within the past 5 years?

(f) Are you an illegal alien?

k—By affixing his signature, the applicant certifies that the information in the application provided by him is true and correct and that he understands that an affirmative answer to the questions in subparagraph (5) is cause for refusal and any false statement may result in prosecution as provided in section 9412.¹

Further amend the bill in section 2 in that ^{part} designated "§9405." by inserting after subsection 1 the following:

'2. Good moral character. The commissioner in judging good moral character shall make his determination in writing based upon evidence recorded by a governmental entity. The commissioner shall consider matters recorded within the previous 5 years, including, but not limited to, the following:

A. Records of incidents of abuse by the applicant of family or household members provided pursuant to Title 19, section 770, subsection 1;

B. Records provided by the Department of Human Services regarding the failure of the applicant to meet child or family support obligations;

C. Records of 3 or more convictions of the applicant ^{Class} for Class D or/E crimes;

D. Records of 3 or more civil violations by the applicant;
or

E. Records indicating that the applicant has engaged in recklessness or negligence that endangered the safety of others, including the use of weapons or motor vehicles.'

Further amend the bill in that part designated "§9405." by renumbering subsection 2 to be subsection 3.

Further amend the bill in section 2 in that part designated "§9407." by striking out subsection 1 and inserting in its place the following:

'1. Application; fee. Applications for original licenses shall be made to the commissioner on forms prescribed by him with respect to the requirements of section 9405. The fee for a license application is \$200, of which \$50 must be submitted with the application and \$150 must be submitted upon issuance of the license. If the previously issued license has expired and has not been renewed within a period of 60 days, the application shall be considered the original application and the same fees and all requirements of an original application shall apply.'

Further amend the bill in section 2 by striking out that part designated "§9408." and inserting in its place the following:

'§9408. Renewal of license

Each contract security company license shall be issued for a term of one year and is, unless revoked or suspended, renewable annually. The fee for a license renewal is \$100, which is refundable upon denial of renewal.'

Further amend the bill in section 2 in that part designated "§9411." by striking out subsection 1 and inserting in its place the following:

'1. Conviction of a crime punishable by a maximum term
← of imprisonment equal to or exceeding one year. The applicant or licensee, or any qualifying agent, owner, partner or principal corporate officer thereof, has been adjudged guilty of any crime punishable by a maximum term of imprisonment

equal to or exceeding one year, or of any crime enumerated in this chapter.'

Further amend in the bill in section 2 in that part designated "§9412." by striking out the last sentence of subsection 2.

Further amend the bill in section 2 in that part designated "§9414." by striking out subsection 3 and inserting in its place the following:

'3. Rules. The commissioner shall adopt all rules necessary to administer this chapter.

4. Expenses. The fees required under this chapter shall be applied to the expense of administering this chapter.'

Further amend the bill in section 2 in that part designated "§9417." by striking out subsection 1 and inserting in its place the following:

'1. Law enforcement officers. Any person currently employed either ^{full-time} / or part-time, who has the permission of his appointing authority; provided that this chapter shall apply to any law enforcement officer who is employed as a security guard by a contract security company licensed under this chapter; and

Statement of Fact

There are 3 primary areas of change made by this amendment.

← The amendments more fully intergrate the law regarding security guards with the law concerning concealed weapons and that regarding private investigators.

The amendment also places the ratemaking structure back

in the statute, rather than changing it to a rulemaking decision by the commissioner, as was contemplated by the original bill.

The portions of the amendment removing the last sentence of section 9412, subsection 2, and replacing proposed section 9417, subsection 1, allow for occasions where a law enforcement officer is paid by a private source to act as a guard while wearing the police uniform with the permission of his superiors. This may occur, for example, when a town requires policemen to be present at a large gathering and to be paid for by a private source. The section leaves bonding or other requirements to the local appointing authority.

Reported by the Committee on Legal Affairs.
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of the House.

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