

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1241

6
7 H.P. 960

House of Representatives, March 17, 1983

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

10 EDWIN H. PERT, Clerk

11 Presented by Representative Cox of Brewer.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT Relating to Private Security
18 Guards.
19

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

22 Sec. 1. 32 MRSA §9403, sub-§3, as enacted by PL
23 1981, c. 113, §2, is amended to read:

24 3. Contract security company. "Contract security
25 company" means any person, including the law enforce-
26 ment agency of any instrumentality of this State,
27 engaged in the business of providing, or who under-
28 takes to provide, a security guard for another
29 person.

30 Sec. 2. 32 MRSA §9403, sub-§9, as enacted by PL
31 1981, c. 113, §2, is amended to read:

1 9. Security guard. "Security guard" means any
2 person, including a person currently employed full
3 time or part time as a law enforcement officer, who,
4 for any consideration whatsoever, performs any of the
5 following functions:

6 A. Protection of individuals or property from
7 harm or theft of property of any kind;

8 B. Prevention, observation or detection of any
9 unauthorized activity on private property;

10 C. Prevention of unlawful intrusion or entry,
11 larceny, vandalism, abuse, arson or trespass on
12 private property;

13 D. Control, regulation or direction of the flow
14 of movements of the public, whether by vehicle,
15 on foot or otherwise;

16 E. Street patrol service; or

17 F. Armored car service.

18 A law enforcement officer is not a security guard for
19 purposes of this subsection, if he performs any of
20 the functions in this subsection while in the normal
21 course of his daily paid duty as a law enforcement
22 officer or as overtime work under the direct orders
23 of any superior.

24 Sec. 3. 32 MRS §9412, sub-§1, ¶B, as enacted by
25 PL 1981, c. 113, §2, is amended to read:

26 B. To publish any advertisement, letterhead,
27 circular, statement or phrase of any kind which
28 suggests that a licensee is an official police
29 agency or any other agency, instrumentality or
30 division of this State, any political subdivision
31 thereof, or of the Federal Government, if it is
32 not;

33 Sec. 4. 32 MRS §9412, sub-§2, ¶¶B, C and D, as
34 enacted by PL 1981, c. 113, §2, are amended to read:

35 B. To make any representation which suggests, or
36 which would reasonably cause another person to

1 believe, that he is a sworn peace officer of this
2 State, any political subdivision thereof, or of
3 any other state or of the Federal Government, if
4 he is not;

5 C. To wear or display any badge, insignia,
6 device, shield, patch or pattern which indicates
7 or suggests that he is a sworn peace officer, if
8 he is not, or which contains or includes the word
9 "police" or the equivalent thereof, or is similar
10 in wording to any law enforcement agency, if it
11 is not, in fact, true; or

12 D. To possess or utilize any vehicle or equip-
13 ment displaying the words "police," "law enforce-
14 ment officer," or the equivalent thereof, or have
15 any sign, shield, marking, accessory or insignia
16 that may indicate that the vehicle is a vehicle
17 of a public law enforcement agency, if it is not.

18 Sec. 5. 32 MRSA §9417, as enacted by PL 1981, c.
19 113, §2, is repealed and the following enacted in its
20 place:

21 §9417. Application

22 This chapter does not apply to any person
23 employed by the United States or this State while in
24 the performance of his official duties.

25 STATEMENT OF FACT

26 The purpose of this bill is to eliminate the
27 unfair advantage moonlighting police officers and
28 police departments have over private, licensed secur-
29 ity guards in providing security service. Under cur-
30 rent law, firms seeking to provide such services as
31 protection of persons from harm, property from theft,
32 vandalism or trespass must be licensed and must post
33 a bond. These requirements, as overhead, raise the
34 cost of providing security service. Police officers,
35 on the other hand, who moonlight after hours, often
36 with departmental approval, do not have to be li-
37 censed and bear none of these expenses, enabling them
38 to undercut the prices charged by private firms.
39 Very often these moonlighting officers are in full

1 uniform, lending more color of law to these solely
2 proprietary activities.

3 This bill removes the exception to the licensing
4 requirement currently granted to private police offi-
5 cers and those departments who routinely arrange for
6 the providing of private security services by their
7 employees. In this way, officers and departments who
8 wish to engage in this activity will at least be on a
9 more equal footing, in terms of overhead expense and
10 licensing requirements, with private security guards.

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