

MAINE STATE LEGISLATURE

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R. of S.

L.D. 1658

DATE: 3/25/94

(Filing No. S- 526)

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STATE OF MAINE
SENATE
116TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 599, L.D. 1658, Bill, "An Act to Amend the Private Security Guards Act"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 32 MRSA §9402, as enacted by PL 1981, c. 113, §2, is amended to read:

§9402. Purpose

It is the purpose of this chapter to regulate any person acting as a security guard or engaging in the business of providing a private security guard or private security guards.

Sec. 2. 32 MRSA §9403, sub-§1, as enacted by PL 1981, c. 113, §2, is repealed.

Sec. 3. 32 MRSA §9403, sub-§9, ¶¶A and B, as enacted by PL 1981, c. 113, §2, are repealed and the following enacted in their place:

A. Prevention of intrusion, entry, theft, criminal mischief, abuse, fire or trespass on public or private property;

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

COMMITTEE AMENDMENT

2 Sec. 4. 32 MRSA §9403, sub-§9, ¶¶C, E and F, as enacted by PL
1981, c. 113, §2, are repealed.

4 Sec. 5. 32 MRSA §9403, sub-§9, ¶¶G to J are enacted to read:

6 G. Control, regulation or direction of the flow or
8 movements of the public, whether by vehicle or otherwise, to
10 ensure the protection of property other than for highway
12 maintenance or construction;

12 H. Protection of a person from bodily injury;

14 I. Protection of tangible and intangible property and
16 proprietary information; or

16 J. Providing secured transportation and protection from one
18 place to another.

20 Sec. 6. 32 MRSA §9403, sub-§9-A is enacted to read:

22 9-A. Secured transportation. "Secured transportation"
24 means transporting anything of value under armed security guard
26 and in a motor vehicle specially equipped to offer a high degree
28 of security.

26 Sec. 7. 32 MRSA §9403, sub-§11, as enacted by PL 1981, c. 113,
28 §2, is repealed.

30 Sec. 8. 32 MRSA §9404, as amended by PL 1987, c. 170, §6, is
32 further amended to read:

32 **§9404. Contract security company license requirement; exceptions**

34 1. License required. No A person may not act as a contract
36 security guard company without first obtaining ~~from~~ the
~~commissioner~~ a license to be a contract security company license.

38 2. Exceptions. This section does not apply to the
40 following:

42 A. Any proprietary security organization ~~or any employee~~
44 thereof;

44 B. Any person ~~employed by a person~~ possessing a valid
46 license to be a contract security company; or

48 C. Any person possessing a valid contract security company
50 license granted under any prior existing provision of law of
this State, provided that upon expiration of that license
the person ~~shall be~~ is governed by this section.

2 Sec. 9. 32 MRSA §9405, sub-§1-A, ¶F, as enacted by PL 1987, c.
4 170, §8, is amended to read:

6 F. Submits an application which that contains the
8 following, to be answered by the applicant:

10 (1) Full name;

12 (2) Full current address and addresses for the prior 5
14 years;

16 (3) The date and place of birth, height, weight and
18 color of eyes;

20 (4) A record of previous issuances of, refusals to
22 issue and renew, suspensions and revocations of a
24 license to be a contract security company. The record
26 of previous refusals to issue alone does not constitute
28 cause for refusal and the record of previous refusals
30 to renew and revocations alone constitutes cause for
32 refusal only as provided in section 9411-A; and

34 (5) The following questions.

36 (a) Is there a formal charging instrument now
38 pending against you in this or any other
40 jurisdiction for a crime which that is punishable
42 by imprisonment of one year or more ~~imprisonment~~
44 or for any other crime alleged to have been
46 committed by you with the use of a dangerous
48 weapon, as defined in Title 17-A, section 2,
50 subsection 9, or of a firearm against another
 person?

 (b) Is there a formal charging instrument now
 pending against you in this or any other
 jurisdiction for a juvenile offense which that
 involves conduct which that, if committed by an
 adult, would be punishable by one year or more of
 imprisonment or for any other juvenile offense
 alleged to have been committed by you with the use
 of a dangerous weapon, as defined in Title 17-A,
 section 2, subsection 9, or of a firearm against
 another person?

 (c) Have you ever been convicted of a crime
 described in division (a) or adjudicated as having
 committed a juvenile offense as described in
 division (b)?

2 (d) Is there a formal charging instrument now
4 pending against you in this jurisdiction for any
crime enumerated in section 9412?

6 (e) Is there a formal charging instrument now
8 pending against you in this jurisdiction for a
juvenile offense which that involves conduct
10 which, if committed by an adult, would be a crime
enumerated in section 9412?

12 (f) Have you within the past 5 years been
14 convicted of a crime described in division (d) or
adjudicated as having committed a juvenile offense
as described in division (e)?

16 (g) Are you a fugitive from justice?

18 (h) Are you a drug abuser, drug addict or
20 drug-dependent person?

22 (i) Do you have a mental disorder which causes
24 you to be potentially dangerous to yourself or
others?

26 (j) Have you been adjudicated to be an
28 incapacitated person pursuant to Title 18-A,
article V, Parts 3 and 4, and not had that
30 designation removed by an order under Title 18-A,
section 5-307, subsection (b)?

32 (k) Have you been dishonorably discharged from
the military forces within the past 5 years?

34 (l) Are you an illegal alien?; and

36 ~~(6) -- A list of employees as of the date the applicant
38 signs the application who will perform security guard
functions within the State. This list shall identify
40 each employee by his full name, full current address
and addresses for the prior 5 years and his date and
42 place of birth, height, weight and color of eyes. For
each employee on this list who will perform security
44 guard functions at the site of a labor dispute or
strike, the applicant shall have previously
46 investigated the background of the employee to ensure
that the employee meets all of the requirements to be a
48 security guard as contained in section 9410-A,
subsection 1. If the employee meets all of the
50 requirements to be a security guard, the applicant~~

~~shall also submit a statement, signed by the applicant, stating that the applicant has conducted this background investigation and that the employee meets the requirements contained in section 9410-A, subsection 1, and~~

~~(7) A photograph of the applicant taken within 6 months of the date the applicant affixes his signature to the application, and~~

Sec. 10. 32 MRSA §9405, sub-§2-C, ¶¶D and E, as enacted by PL 1987, c. 170, §10, are amended to read:

D. Information of record relative to license suspensions under section 9411-A; ~~or~~

E. Information of record indicating that the applicant has engaged in reckless or negligent conduct; or

Sec. 11. 32 MRSA §9405, sub-§2-C, ¶F is enacted to read:

F. Notwithstanding paragraph B, information of record relative to one or more convictions or adjudications of the applicant for crimes involving a false statement, assault or theft.

Sec. 12. 32 MRSA §9406, as enacted by PL 1981, c. 113, §2, is repealed.

Sec. 13. 32 MRSA §9407, as amended by PL 1989, c. 502, Pt. A, §114, is further amended to read:

§9407. Application for original contract security company license

1. **Application; fee.** Applications for original contract security company licenses shall must be made to the commissioner on forms prescribed by ~~him~~ the commissioner with respect to the requirements of section 9405. The fee for a license application is \$400, of which \$100 must be submitted with the application and \$300 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 must be considered the original application and the same fees and all requirements of an original application shall apply.

2. **Who must subscribe and swear to the application.** Each application shall must be subscribed and sworn to:

A. If the applicant is a partnership, by each partner;

2 B. If the applicant is a corporation, by at least one
principal corporate officer or agent and, if different, by
4 the agent manager of the corporation meeting the
qualifications of section 9405, subsection 1-A; or

6 C. If the applicant is other than a partnership or
corporation, by the natural person making the application.

8
10 Sec. 14. 32 MRSA §9408, as amended by PL 1983, c. 221, §4, is
further amended to read:

12 **§9408. Renewal of contract security company license**

14 Each contract security company license shall ~~shall~~ must be issued
16 for a term of one year and is, unless revoked or suspended,
renewable annually. The fee for a license renewal is \$200, \$100
18 of which is refundable upon denial of renewal. If a license
renewal is issued before the expiration date or within 60 days of
20 the expiration date of the license being renewed, the license
renewal is valid for one year from the expiration date of the
22 license being renewed.

24 Sec. 15. 32 MRSA §9409, as enacted by PL 1981, c. 113, §2, is
amended to read:

26 **§9409. Bonding or insurance requirement for contract security**
28 **company**

30 1. **Requirement.** The requirements for bonding are as follows.

32 A. A person licensed ~~under--this--chapter~~ as a contract
security company shall give to the commissioner a bond in
34 the sum of \$10,000 \$25,000 if he the person is a resident,
and in the sum of \$50,000 \$100,000 if he the person is not a
resident, of the State.

36 B. For the purposes of this section, a corporation is a
38 resident if it is incorporated under the laws of this State.
Any other person is a resident if the natural person who
40 qualifies for the license resides in this State.

42 2. **Form of bond.** Each bond shall ~~shall~~ must be:

44 A. In a form prescribed by the commissioner;

46 B. Executed by the licensee as principal and by a surety
company authorized to do business as such in this State as
48 surety; and

R of S

COMMITTEE AMENDMENT "A" to S.P. 599, L.D. 1658

2 C. Conditioned upon the honest conduct of the licensee and
the right of any person, including the officer of any
4 aggrieved labor union or association, whether or not
incorporated, injured by the intentional, knowing, reckless
6 or negligent act of the licensee to bring, in his the
licensee's own name, an action on the bond.

8 3. Exception. In lieu of the bond required by subsection
1, a contract security company may provide proof of general
10 liability insurance, if the proof of insurance is:

12 A. In a form prescribed by the commissioner; and

14 B. Obtained by the licensee as the insured.

16 **Sec. 16. 32 MRSA §9410, sub-§2, as enacted by PL 1981, c. 113,**
18 **§2, is amended to read:**

20 **2. Death of contract security company licensee.** If the a
contract security company license is held by an owner other than
22 a corporation and the owner dies, becomes disabled or otherwise
ceases to engage in the business, the successor, heir, devisee or
24 personal representative of the owner may, within 60 days of the
death, disablement or other termination of operation by the
26 original licensee, apply for a license on a form prescribed by
the commissioner. The transferee shall ~~be~~ is subject to this
chapter.

28 **Sec. 17. 32 MRSA §9410-A, as enacted by PL 1987, c. 170, §12,**
30 **is repealed.**

32 **Sec. 18. 32 MRSA §§9410-B and 9410-C are enacted to read:**

34 **§9410-B. Security guard employer requirements**

36 **1. Prohibition. A proprietary security organization or a**
contract security company may not employ a person as a security
38 **guard unless the person is licensed according to this chapter.**
The employer organization or company shall assist an applicant
40 **for the position of security guard to obtain a license when**
necessary.

42 **2. Change of employment status. A proprietary security**
44 **organization or a contract security company shall notify the**
commissioner within 30 days of any change in employment status of
46 **a security guard employed by the organization or company,**
including an appointment or termination.

48 **§9410-C. Security guard license**

50

COMMITTEE AMENDMENT

1 1. Qualifications to be a security guard. A person may not
2 be employed or act as a security guard unless the person
3 demonstrates good moral character and meets the following minimum
4 requirements:

6 A. Is 18 years of age or older;

8 B. Is a citizen or resident alien of the United States;

10 C. Has not been dishonorably discharged from military
11 service within the last 5 years;

12 D. Has not been convicted of a crime punishable by
13 imprisonment of one year or more or, within the past 5
14 years, any crime enumerated in section 9412;

16 E. Has not been adjudicated to have committed a juvenile
17 offense involving conduct that, if committed by an adult, is
18 punishable by one year or more of imprisonment or, within
19 the past 5 years, a juvenile offense involving conduct that,
20 if committed by an adult, is a crime enumerated in section
21 9412;

24 F. Does not have a combination of 3 or more convictions for
25 crimes punishable by imprisonment of less than one year or
26 adjudications for civil violations within the past 5 years;

28 G. Does not have one or more convictions or adjudications
29 for crimes involving a false statement, assault or theft;

30 H. Is not a fugitive from justice;

32 I. Is not a drug abuser, drug addict or drug-dependent
33 person;

36 J. Is not potentially dangerous to that person or others as
37 the result of a mental disorder;

38 K. Has not been adjudicated to be an incapacitated person
39 pursuant to Title 18-A, article V, Parts 3 and 4, or if so
40 adjudicated, has had that designation removed under Title
41 18-A, section 5-307, subsection (b);

44 L. Is currently employed by or sponsored by a proprietary
45 security organization or contract security company that has
46 provided the information required by this section;

48 M. Has completed at least 20 hours of security guard
49 training approved by the commissioner; and

50

2 N. At the request of the contract security company, the
3 commissioner or the commissioner's designee, takes whatever
4 action is required by law to allow the contract security
5 company, the commissioner or the commissioner's designee to
6 obtain information relevant to whether the person meets the
7 requirements set forth in paragraphs A to M from:

8 (1) Hospitals and mental institutions either within or
9 outside the State, limited to records of involuntary
10 commitments;

11 (2) The courts;

12 (3) Law enforcement agencies; and

13 (4) The military.

14 2. Application for security guard license. A person who
15 meets the minimum requirements under subsection 1 may submit an
16 application for a security guard license. The application must
17 contain the following information relating to the applicant, to
18 be answered by the applicant:

19 A. Full name;

20 B. Full current address and addresses for the prior 5 years;

21 C. The date and place of birth, height, weight and color of
22 eyes;

23 D. Employment history for the past 10 years;

24 E. Three references, none of whom may be previous employers
25 or relatives;

26 F. A record of previous issuances of, refusals to issue and
27 renew, suspensions and revocations of license to be a
28 security guard. The record of previous refusals to issue
29 alone does not constitute cause for refusal and the record
30 of previous refusals to renew and revocations alone
31 constitutes cause for refusal only as provided in section
32 9411-A; and

33 G. Answers to the following questions.

34 (1) Is there a formal charging instrument now pending
35 against you in this or any other jurisdiction for a
36 crime that is punishable by imprisonment of one year or
37 more or for any other crime alleged to have been
38 committed by you with the use of a dangerous weapon, as
39 committed by you with the use of a dangerous weapon, as
40 committed by you with the use of a dangerous weapon, as
41 committed by you with the use of a dangerous weapon, as
42 committed by you with the use of a dangerous weapon, as
43 committed by you with the use of a dangerous weapon, as
44 committed by you with the use of a dangerous weapon, as
45 committed by you with the use of a dangerous weapon, as
46 committed by you with the use of a dangerous weapon, as
47 committed by you with the use of a dangerous weapon, as
48 committed by you with the use of a dangerous weapon, as
49 committed by you with the use of a dangerous weapon, as
50 committed by you with the use of a dangerous weapon, as

2 defined in Title 17-A, section 2, subsection 9, or of a
3 firearm against another person?

4 (2) Is there a formal charging instrument now pending
5 against you in this or any other jurisdiction for a
6 juvenile offense that involves conduct that, if
7 committed by an adult, would be punishable by
8 imprisonment of one year or more or for any other
9 juvenile offense alleged to have been committed by you
10 with the use of a dangerous weapon, as defined in Title
11 17-A, section 2, subsection 9, or of a firearm against
12 another person?

13 (3) Have you ever been convicted of a crime described
14 in subparagraph (1) or adjudicated as having committed
15 a juvenile offense as described in subparagraph (2)?

16 (4) Is there a formal charging instrument now pending
17 against you in this jurisdiction for any crime
18 enumerated in section 9412?

19 (5) Is there a formal charging instrument now pending
20 against you in this jurisdiction for a juvenile offense
21 that involves conduct that, if committed by an adult,
22 would be a crime enumerated in section 9412?

23 (6) Have you within the past 5 years been convicted of
24 a crime described in subparagraph (4) or adjudicated as
25 having committed a juvenile offense as described in
26 subparagraph (5)?

27 (7) Are you a fugitive from justice?

28 (8) Are you a drug abuser, drug addict or
29 drug-dependent person?

30 (9) Do you have a mental disorder that causes you to
31 be potentially dangerous to yourself or others?

32 (10) Have you been adjudicated to be an incapacitated
33 person pursuant to Title 18-A, article V, Parts 3 and
34 4, and not had that designation removed by order under
35 Title 18-A, section 5-307, subsection (b)?

36 (11) Have you been dishonorably discharged from the
37 military forces within the past 5 years?

38 (12) Are you an illegal alien?

3. Employer responsibility. An applicant for a security guard license shall submit a completed application to the applicant's employer. The employer shall submit to the commissioner the completed application and certify that:

A. The employer has verified the following:

(1) The applicant's employment history for at least the 10-year period ending on the date of the application for employment;

(2) The applicant's personal references;

(3) That the applicant is a United States citizen or resident alien;

(4) Evidence of the applicant's military discharge record, such as a DD-214;

(5) The applicant has a high school diploma or equivalent; and

(6) The applicant evinces a level of physical fitness commensurate with the demands of the position; and

B. The applicant will receive at least 20 hours of security guard training approved by the commissioner. The employer shall submit documentation to the commissioner certifying that the applicant completed the training.

4. Temporary permit. Upon receiving the completed application and employer certification of an applicant who appears to meet all the qualifications of this section, the commissioner shall issue a temporary security guard permit to an applicant. The temporary permit entitles the applicant to act as a security guard, except that the applicant may not carry a firearm or be responsible for controlling a guard dog, for a period beginning with the issuance of the temporary permit not to exceed 90 days.

5. Security guard license. The commissioner may issue a security guard license to an applicant only if:

A. The applicant meets all the qualifications listed in subsection 1;

B. All the requirements of subsection 3 are met, including the submission of all necessary documentation by the employer; and

R of S

2 C. The licensing division of the Bureau of State Police has
4 checked the applicant's criminal history record and found
6 the applicant's record, if any, meets the requirements of
8 this Title.

10 6. Application for original license. Applications and all
12 required documentation for original licenses must be submitted to
14 the commissioner on forms prescribed by the commissioner in
16 accordance with the requirements of this section. The fee for a
18 license application is \$40, \$20 of which must be submitted with
20 the application and \$20 of which must be submitted upon issuance
22 of the license. If the previously issued license expired and is
24 not renewed within a period of 60 days, the application must be
26 considered an original application and the same fee and all
28 requirements of an original application apply. The holder of a
30 valid contract security company license is exempt from the fee.
32 Each application must be subscribed and sworn to.

34 7. Renewal of license. Each security guard license is
36 issued for a term of 2 years and, unless revoked or suspended, is
38 renewable biennially, provided the licensee meets the training
40 requirements adopted by the commissioner pursuant to subsection
42 13. The fee for a license renewal is \$40, \$20 of which is
44 refundable upon denial of renewal. If a license renewal is
46 issued before the expiration date or within 60 days of the
48 expiration date of the license being renewed, the license renewal
50 is valid for 2 years from the expiration date of the license
being renewed.

30 8. Change in status of licensee. The licensee shall notify
32 the commissioner within 30 days of any material change in the
34 information previously furnished or required to be furnished to
36 the commissioner or any occurrence that could reasonably be
38 expected to affect the licensee's eligibility for a license under
40 this chapter. Notwithstanding section 9411-A, the commissioner
42 may revoke the license if the reported change makes the licensee
44 ineligible for a license under this section.

46 9. Commissioner's access to confidential records.
48 Notwithstanding that certain records retained by governmental
50 entities are by law made confidential, yet are necessary to the
52 commissioner's determination of the applicant's good moral
54 character and compliance with the additional requirements of this
56 section and of section 9411-A, the following records must be made
58 available, pursuant to a written release provided by an applicant
60 for a security guard license or a security guard made pursuant to
62 section 9410-C, subsection 1, paragraph N, at the request of the
64 commissioner or the commissioner's designee, for inspection by
66 and distribution to the commissioner or the commissioner's
68 designee:

2 A. The records pertaining to involuntary commitments to the
4 Augusta Mental Health Institute and the Bangor Mental Health
 Institute;

6 B. The records compiled pursuant to Title 19, section 770,
 subsection 1;

8 C. Juvenile and adult crime records;

10 D. Military records; and

12 E. Criminal record information maintained by the Federal
14 Bureau of Investigation or other federal agencies subject to
16 the applicable restrictions on the use and dissemination of
 information.

18 10. Contract security companies' access to confidential
20 records. Notwithstanding that certain records retained by
22 governmental entities are by law made confidential, yet are
24 necessary to the commissioner's determination of the applicant's
26 good moral character and compliance with the additional
28 requirements of this section and of section 9411-A, the following
30 records must be made available pursuant to a written release
 provided by an applicant for a security guard license or a
 security guard made pursuant to section 9410-C, subsection 1,
 paragraph N, at the request of the contract security company, or
 the commissioner or the commissioner's designee for inspection by
 and distribution to the contract security company, the
 commissioner or the commissioner's designee:

32 A. The records pertaining to involuntary commitments to the
34 Augusta Mental Health Institute and the Bangor Mental Health
 Institute;

36 B. The records compiled pursuant to Title 19, section 770,
 subsection 1;

38 C. Adult crime records;

40 D. Military records; and

42 E. Criminal record information maintained by the Federal
44 Bureau of Investigation or other federal agencies subject to
46 the applicable restrictions on the use and dissemination of
 information.

48 11. Good moral character. The commissioner, in judging
50 good moral character, shall make the determination in writing
 based solely upon information recorded by governmental entities

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2 within 5 years of receipt of the application, including, but not
limited to, the following matters:

4 A. Information of record relative to incidents of abuse by
the applicant of family or household members pursuant to
6 Title 19, section 770, subsection 1;

8 B. Information of record relative to 3 or more convictions
of the applicant for crimes punishable by imprisonment of
10 less than one year or 3 or more adjudications of the
applicant for juvenile offenses involving conduct which, if
12 committed by an adult, is punishable by imprisonment of less
than one year;

14 C. Information of record relative to 3 or more
16 adjudications of the applicant for civil violations;

18 D. Information of record relative to license suspensions
under section 9411-A; or

20 E. Information of record indicating that the applicant has
22 engaged in reckless or negligent conduct.

24 12. Fingerprints. A person who is an applicant for an
original license or a license renewal under this section may
26 submit fingerprints to the licensing division of the Bureau of
the State Police for the purpose of identification if the
28 applicant has been denied a license and the denial was based on a
question of the applicant's identity.

30 13. Training requirements. The commissioner shall adopt
32 rules that establish the training requirements for security
guards. The commissioner's rules must include, but are not
34 limited to, training requirements in the following areas: legal
powers and limitations, criminal and civil law, report writing,
36 traffic control, fire prevention and protection, emergency
procedures and human and public relations. The commissioner may
38 also adopt rules regarding instructor credentials, course
delivery systems, record keeping and access to records.

40 Sec. 19. 32 MRSA §9411-A, sub-§1, ¶C, as enacted by PL 1987,
42 c. 170, §14, is repealed.

44 Sec. 20. 32 MRSA §9411-A, sub-§1, ¶¶D and E, as enacted by PL
1987, c. 170, §14, are amended to read:

46 D. The licensee has knowingly employed as a security guard,
48 or has knowingly kept as an employee, any natural person who
does not meet the requirements of section 9410-A 9410-C,
50 subsection 1.

COMMITTEE AMENDMENT "A" to S.P. 599, L.D. 1658

2 E. The licensee fails to comply with the requirements of
3 section 9410-A, ~~subsection 2, 3 or 4~~ 9405, subsection 1-A,
4 and section 9410-B, subsection 2.

6 Sec. 21. 32 MRSA §9412, sub-§1, ¶E, as enacted by PL 1987, c.
7 170, §16, is amended to read:

8 E. To make any false statement or material omission
9 relative to the requirements of section 9410-A ~~9410-C,~~
10 subsection 1, in applying for a position as a security guard
11 with a contract security company.

12 Sec. 22. 32 MRSA §9412, sub-§2, ¶¶C and D, as enacted by PL
13 1981, c. 113, §2, are amended to read:

14 C. To wear or display any badge, insignia, device, shield,
15 patch or pattern which that indicates or suggests that he
16 the security guard is a sworn peace officer, or which that
17 contains or includes the word "police" or the equivalent
18 thereof, or is similar in wording to any law enforcement
19 agency; or

20 D. To possess or utilize any vehicle or equipment
21 displaying the words "police," "law enforcement officer," or
22 the equivalent thereof, or have any sign, shield, marking,
23 accessory or insignia that may indicate that the vehicle is
24 a vehicle of a public law enforcement agency; or

25 Sec. 23. 32 MRSA §9412, sub-§2, ¶E is enacted to read:

26 E. To fail to conspicuously display the issued security
27 guard temporary permit or license on the security guard's
28 person unless the security guard is engaging in an
29 undercover activity.

30 Sec. 24. 32 MRSA §9413, as enacted by PL 1981, c. 113, §2, is
31 amended to read:

32 §9413. **Change in the status of contract security company licensee**

33 The contract security company licensee shall notify the
34 commissioner within 30 days of any change in his the company's
35 qualifying agent, officers or directors or material change in the
36 information previously furnished or required to be furnished to
37 the commissioner or any occurrence which that could reasonably be
38 expected to affect the licensee's right to a license under this
39 chapter.

R of S.

2 **Sec. 25.** 32 MRSA §9416, as enacted by PL 1981, c. 113, §2, is
repealed.

4 **Sec. 26.** 32 MRSA §9417, sub-§§1 and 2, as amended by PL 1989,
c. 773, §1, are repealed.

6 **Sec. 27.** 32 MRSA §9417, sub-§3, as enacted by PL 1989, c. 773,
8 §2, is amended to read:

10 **3. Locksmiths.** Any person while employed or doing business
12 as a locksmith provided except that this chapter applies to any
locksmith who is employed as a security guard by or doing
14 business as a contract security company licensed under this
chapter. For the purposes of this chapter, a "locksmith" is a
16 person engaged in the sale and service of locks; and

18 **Sec. 28.** 32 MRSA §9417, sub-§4 is enacted to read:

20 **4. Security forces regulated by the Nuclear Regulatory**
Commission. A security force regulated by the Nuclear Regulatory
Commission or employed by an entity that is regulated by the
Nuclear Regulatory Commission that has established minimum
qualification and training requirements for security guards that
meet or exceed the provisions of this chapter. A proprietary
security organization, contract security company or any other
entity that is so regulated shall certify to the commissioner
that the federal agency's requirements meet or exceed the
requirements of section 9410-C.

28 **Sec. 29.** 32 MRSA §9418, first ¶, as enacted by PL 1987, c. 170,
30 §19, is amended to read:

32 Notwithstanding Title 1, sections 401 to 410, all
34 applications for a license to be a contract security company and
any documents made a part of the application, refusals and any
36 information of record collected by the commissioner during the
process of ascertaining whether an applicant is of good moral
38 character and meets the additional requirements of sections 9405
and 9411-A, and all information of record collected by the
40 commissioner during the process of ascertaining whether a natural
person meets the requirements of section 9410-A 9410-C, are
42 confidential and may not be made available for public inspection
or copying. The applicant or natural person may waive this
44 confidentiality by written notice to the commissioner. All
proceedings relating to the issuance of a license to be a
46 contract security company are not public proceedings under Title
1, chapter 13, unless otherwise requested by the applicant.

48 **Sec. 30. Implementation of standards and requirements for licensing**
50 security guards. The Commissioner of Public Safety

shall devise an implementation schedule to ensure that all security guards are licensed according to this Act within 2 years of the effective date of this Act.

Sec. 31. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1994-95

PUBLIC SAFETY, DEPARTMENT OF

Licensing and Enforcement - Public Safety

Positions	(2.0)
Personal Services	\$34,706
All Other	1,794
Capital Expenditures	23,500

Provides for the allocation of funds for a Field Examiner II, a Clerk Typist II and general operating expenses to administer the additional licensing responsibility.

DEPARTMENT OF PUBLIC SAFETY TOTAL \$60,000'

Further amend the bill by inserting at the end before the statement of fact the following:

FISCAL NOTE

1994-95

APPROPRIATIONS/ALLOCATIONS

Other Funds	\$60,000
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REVENUES

Other Funds	\$60,000
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The expansion of the licensing requirements for security guards and companies will increase dedicated revenue to the Department of Public Safety by \$60,000 in fiscal year 1994-95 from approximately 1,500 new licenses. The department will

R of S.

2 require an additional allocation of \$60,000 in fiscal year
3 1994-95 to provide funds for a Field Examiner II, a Clerk Typist
4 II and general operating expenses to administer these additional
5 licensing responsibilities.'

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STATEMENT OF FACT

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9 This amendment replaces the original bill and is the
10 minority report of the committee.

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This amendment amends the Private Security Guards Act to provide for licensing of security guards employed by both proprietary security organizations and contract security companies. Currently, only contract security guard companies are licensed and they must provide certain information regarding the security guards they employ to the Commissioner of Public safety.

The amendment specifies the requirements for security guard license applicants and requirements for security guard employers. The amendment sets original and renewal license fees and requires the Commissioner of Public Safety to adopt rules that establish specific training requirements for security guards.

The amendment also exempts security forces employed by the Nuclear Regulatory Commission or an entity regulated by the Nuclear Regulatory Commission from the requirements of this chapter, as long as the security organization that is regulated certifies to the Commissioner of Public Safety that the organization's minimum qualification and training requirements for security guards meet or exceed the requirements in the Maine Revised Statutes, Title 32, chapter 93.

The amendment also adds a fiscal note.