

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2002

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Legislative Document

No. 2079

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H.P. 1573

House of Representatives, January 18, 2002

**An Act to Clarify the Law Enforcement Authority of Capitol Security  
Personnel.**

(AFTER DEADLINE)

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule  
205.

Reference to the Committee on Criminal Justice suggested and ordered printed.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Speaker SAXL of Portland.  
Cosponsored by President BENNETT of Oxford.

2           **Emergency preamble.** Whereas, Acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
as emergencies; and

4  
6           Whereas, certain security officers whose authority has been  
expanded pursuant to the Maine Revised Statutes, Title 25,  
section 2908 to include law enforcement duties and powers do not  
8 meet the training requirements of Title 25, section 2804-C; and

10           Whereas, in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
12 Maine and require the following legislation as immediately  
necessary for the preservation of the public peace, health and  
14 safety; now, therefore,

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

18           **Sec. 1. 25 MRSA §2801-B, sub-§1, ¶¶E and F,** as enacted by PL  
1999, c. 682, §4, are amended to read:

20           E. Harbor masters; or

22           F. Municipal shellfish conservation wardens; or

24           **Sec. 2. 25 MRSA §2801-B, sub-§1, ¶G** is enacted to read:

26           G. Security officers appointed by the Commissioner of  
28 Public Safety and whose duties and powers have been expanded  
30 pursuant to section 2908. This paragraph is repealed  
December 31, 2002.

32           **Sec. 3. 25 MRSA §2904, sub-§2,** as amended by PL 1993, c. 361,  
Pt. E, §1, is further amended to read:

34           **2. Officials of governmental units.** The officials of the  
36 governmental units listed in paragraphs A to E are authorized and  
empowered to adopt rules governing the access, use and occupancy  
38 of buildings or parts of buildings and of other public property  
that are under their respective supervisions. Rules adopted by  
40 the Legislative Council may include provisions governing security  
42 at legislative offices. Prior to adopting any such rule, the  
official shall consult with the Commissioner of Public Safety;  
44 the commissioner must be given an opportunity to review the rule  
and to comment upon its content and enforcement. These rules  
become effective upon deposit of a copy with the Secretary of  
46 State, who shall forward a copy attested under the Great Seal of  
the State to the District Court for Southern Kennebec. These  
48 rules are suspended to the extent necessary at any time when the  
Commissioner of Public Safety determines that an emergency exists  
50 within the facilities to which they apply, except that the

2 commissioner may not suspend the rules governing the legislative  
3 offices without the consent of the Legislative Council. The  
4 Commissioner of Public Safety shall enforce rules adopted  
5 pursuant to this subsection, consistent with available resources  
6 and funding.

7 The governmental officials authorized and empowered by this  
8 subsection are:

9 A. The Legislative Council, for all legislative offices, as  
10 established by Title 3, section 162;

11 B. The State Law Librarian, for the Law Library;

12 C. The State Librarian, for the State Library;

13 D. The Director of the State Museum, for the State Museum;  
14 and

15 E. The State Archivist, for the State Archives.

16 **Emergency clause.** In view of the emergency cited in the  
17 preamble, this Act takes effect when approved.

## 24 SUMMARY

25 This bill provides an exemption from mandatory training for  
26 security officers appointed by the Commissioner of Public Safety  
27 when the commissioner has expanded their authority to include law  
28 enforcement duties and powers. The bill also clarifies the right  
29 of the Legislature to direct the provision of security to  
30 legislative offices. The bill includes a sunset provision such  
31 that the mandatory training exemption expires on December 31,  
32 2002.