

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 2079

H.P. 1573

House of Representatives, January 18, 2002

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

(AFTER DEADLINE)

(EMERGENCY)

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
pursuant to section 2908. This paragraph is repealed
30 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
at legislative offices. Prior to adopting any such rule, the
42 official shall consult with the Commissioner of Public Safety;
the commissioner must be given an opportunity to review the rule
44 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.

18 SUMMARY

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