

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
FIRST REGULAR SESSION
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ONE HUNDRED AND EIGHTH LEGISLATURE
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CHAPTER 209

AN ACT Authorizing the Commissioner of Public Safety to Appoint and Commission Railroad Policemen and Providing Regulations Pertaining Thereto.

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

35 MRSA c. 57 is enacted to read:

CHAPTER 57

MAINE STATE RAILROAD POLICE ACT

§ 1301. Short title

This Act shall be known and may be cited as the "Maine State Railroad Police Act."

§ 1302. Definitions

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings.

1. Qualified person. "Qualified person" means a person who:

A. Has met all the education and training requirements as outlined under the Mandatory Training Act, Title 25, section 2805; and

B. Is of good moral character and has no record of conviction of a serious crime;

provided the qualification and in-service training requirements of paragraph A shall not apply to any individual who was employed on a full-time basis by a railroad as a police officer on the date this Act became law.

2. Railroad; railroads; railway company. "Railroad," "Railroads" or "railway company" or any combination of such words means a corporation engaged as a common carrier in the furnishing or sale of transportation by railroad, if subject to the jurisdiction of the Interstate Commerce Commission.

§ 1303. Appointment

The Commissioner of Public Safety shall have the authority to commission and rescind the commissions of all railroad police officers in the State of Maine. The commissioner may commission and rescind the commissions of railroad police officers recommended and appointed by the chief police officer, or in his absence the chief operating officer of any railroad located wholly or partially within the State. Railroad police officers shall be subject to the existing rules and regulations of the commissioner. Nothing contained in this Act shall have the effect to relieve any such railroad from any civil liability for acts of a policeman in exercising or attempting to exercise the powers conferred by this Act.

§ 1304. Oath of office

Each policeman so appointed and commissioned shall, before entering upon the duties of his office, take an oath of office administered by the commissioner.

§ 1305. Powers

Each policeman shall have the authority in all cases in which the rights of the appointing railroad are involved to exercise within this State all powers, including the powers of arrest and the carrying of firearms, for the reasonable purpose of his office.

§ 1306. Disposition of persons arrested

The keepers of jails, lockups and station houses in any county, city or town, shall receive all persons arrested by railroad police for the commission of any offense against the laws of this State, or the ordinances of any such city or town, to be dealt with according to law, and persons arrested shall be received by keepers of jails, lockups or station houses and such persons shall have the same status as other persons arrested by any other police or peace officer of this State.

§ 1307. Carrying of shield

Each policeman so appointed and commissioned shall, when on duty, carry a shield or star with the words "Police," "Railroad Police" or "Railway Police," and the name of the appointing railroad inscribed thereon. The shield or star shall be of uniform design. This shield or star shall be worn in plain view when in uniform. Such policeman shall also carry, when on duty, an identification card issued by the appointing railroad.

§ 1308. Compensation and training

The railroad to which each railroad police officer is assigned shall be responsible for the compensation and financial cost of training of railroad police officers.

§ 1309. Reciprocity

In order to more effectively carry out the purposes of this Act, the Governor of this State, referred to as the empowering State, may enter into a reciprocal agreement with the Governor of any other state, referred to as the reciprocal state, subject to any regulations prescribed under such agreement, empowering a railroad policeman with the right to perform any police function that can be lawfully exercised by a police officer of the reciprocal state relating to the detection and apprehension of any person committing an offense or offenses against the empowering or the reciprocal state, but only to the extent that such offense is, or offenses are, committed on property owned, operated or maintained by the appointing railroad or committed against property owned or in the possession of such railroad.

§ 1310. Termination of authority

Upon termination of employment of any railroad policeman, the powers of such policeman shall cease and terminate. Within 10 days after such termination, the appointing railroad shall, through its designated chief police officer

or, in the absence of a chief police officer, its chief operating officer, file a notice of termination of employment of such individual with the Commissioner of Public Safety.

Effective October 24, 1977

CHAPTER 210

AN ACT Concerning Absentee Ballots for Maine Citizens Overseas.

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

Sec. 1. 21 MRSA § 1253, sub-§ 1-A is enacted to read:

1-A. Applications by voters outside the country. In the case of a voter who is temporarily outside the United States or any territory or jurisdiction thereof, a written request for an absentee ballot from the voter, the voter's spouse, a blood relative of the voter or the voter's former guardian is sufficient.

Sec. 2. 21 MRSA § 1253, sub-§ 2, 1st ¶, 2nd sentence, as last repealed and replaced by PL 1975, c. 761, § 39, is amended to read:

The clerk shall include a ballot application to be completed by the person who signed only a written request, unless the written request is sufficient as provided in subsection 1-A.

Effective October 24, 1977

CHAPTER 211

AN ACT to Clarify Certain Liquor Laws.

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

Sec. 1. 28 MRSA § 2, sub-§ 8, ¶ L, as repealed and replaced by PL 1975, c. 741, § 1, is repealed and the following enacted in its place:

L. Retailer. "Retailer" shall mean and include persons licensed by the commission to engage in the purchase and resale of liquors in the original container or by the drink, for consumption on or off the premises. It shall not include wholesalers as defined in subsection 18.