

**§9403. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1981, c. 113, §2 (NEW).]

**1. Armored car service.** "Armored car service" means the service provided by any person transporting or offering to transport, under armed security guard, currency, jewels, stocks, bonds, paintings or other things of value in a motor vehicle specially equipped to offer a high degree of security.

[PL 1981, c. 113, §2 (NEW).]

**1-A. Agent.** "Agent" means a principal corporate officer, partner, owner or majority shareholder of a contract security company or a resident of the State who manages or supervises the security guard business of a resident or nonresident contract security company within the State. This definition does not apply in section 9412, subsection 2, wherein "agent" has the common dictionary definition indicated by its context.

[PL 1987, c. 170, §1 (NEW).]

**2. Commissioner.** "Commissioner" means the Commissioner of Public Safety.

[PL 1981, c. 113, §2 (NEW).]

**3. Contract security company.** "Contract security company" means any person engaged in the business of providing, or who undertakes to provide, a security guard for another person.

[PL 1981, c. 113, §2 (NEW).]

**3-A. Dangerous substance.** "Dangerous substance" means alcohol or any substance that is a schedule W, X, Y or Z drug under Title 17-A, chapter 45.

[PL 1987, c. 170, §2 (NEW).]

**3-B. Drug user.** "Drug user" means a person who uses any dangerous substance in violation of any law of the State.

[PL 2017, c. 407, Pt. A, §141 (AMD).]

**3-C. Person with substance use disorder.** "Person with substance use disorder" means a drug-dependent person who due to the use of a dangerous substance has developed such a tolerance to the substance that abrupt termination of the use of the substance would produce withdrawal symptoms.

[PL 2017, c. 407, Pt. A, §141 (AMD).]

**3-D. Drug-dependent person.** "Drug-dependent person" means a person who is unable to function effectively and whose inability to do so results from the use of a dangerous substance.

[PL 1987, c. 170, §2 (NEW).]

**3-E. Employee.** "Employee" means a natural person who performs one or more security guard functions under a contract of hire between the natural person and a contract security company or between the natural person and a proprietary security organization. A natural person who is an employee of a contract security company may not simultaneously be an employee of a proprietary security organization. This definition does not apply in section 9412, subsection 4, wherein "employee" has its common dictionary definition.

[PL 1987, c. 170, §2 (NEW).]

**3-F. Firearm.** "Firearm" has the same meaning as set forth in Title 17-A, section 2, subsection 12-A.

[PL 1987, c. 170, §2 (NEW).]

**3-G. Formal charging instrument.** "Formal charging instrument" means a complaint, indictment, information, juvenile petition or other formal written accusation against a person for some criminal or juvenile offense.

[PL 1987, c. 170, §2 (NEW).]

**3-H. Fugitive from justice.** "Fugitive from justice" has the same meaning as set forth in Title 15, section 201, subsection 4.

[PL 1987, c. 170, §2 (NEW).]

**3-I. Government.** "Government" has the same meaning as set forth in Title 17-A, section 2, subsection 13.

[PL 1987, c. 170, §2 (NEW).]

**3-J. Law enforcement officer.** "Law enforcement officer" has the same meaning as set forth in Title 17-A, section 2, subsection 17.

[PL 1987, c. 170, §2 (NEW).]

**4. Licensee.** "Licensee" means any person to whom a license is granted in accordance with this chapter.

[PL 1981, c. 113, §2 (NEW).]

**5. Licensing authority.** "Licensing authority" means the Commissioner of Public Safety.

[PL 1981, c. 113, §2 (NEW).]

**6. Person.** "Person" means any natural person, firm, association, organization, partnership, corporation or any employee or agent thereof.

[PL 1981, c. 113, §2 (NEW).]

**7. Principal corporate officer.** "Principal corporate officer" means the president, vice-president, treasurer, secretary, clerk and comptroller, as well as any other person who performs functions for the corporation corresponding to those performed by the other officers enumerated in this subsection.

[PL 1981, c. 113, §2 (NEW).]

**8. Proprietary security organization.** "Proprietary security organization" means any organization or department of that organization which provides fulltime security guards solely for itself.

[PL 1981, c. 113, §2 (NEW).]

**8-A. Reckless or negligent conduct.** "Reckless or negligent conduct" means that the applicant, either consciously disregarding or failing to be aware of a risk that his conduct would cause such a result, engaged in conduct which in fact created a substantial risk of either death, serious bodily injury, bodily injury or offensive physical contact to another human being or the taking of, or damage or destruction to, the property of another person or government, and the applicant's disregard or failure to be aware of that risk, when viewed in light of the nature and purpose of the applicant's conduct and the circumstances known to him, involved a deviation from the standard of conduct that a reasonable and prudent person would observe in the same situation.

[PL 1987, c. 170, §3 (NEW).]

**9. Security guard.** "Security guard" means any person who, for any consideration whatsoever, performs any of the following functions:

A. Protection of individuals or property from harm or theft of property of any kind; [PL 1981, c. 113, §2 (NEW).]

B. Prevention, observation or detection of any unauthorized activity on private property; [PL 1981, c. 113, §2 (NEW).]

C. Prevention of unlawful intrusion or entry, larceny, vandalism, abuse, arson or trespass on private property; [PL 1981, c. 113, §2 (NEW).]

D. [PL 1987, c. 701, §4 (RP).]

E. Street patrol service; or [PL 1981, c. 113, §2 (NEW).]

F. Armored car service. [PL 1981, c. 113, §2 (NEW).]

[PL 1987, c. 701, §4 (AMD).]

**10. Security system.** "Security system" means equipment designed to detect or signal an unauthorized intrusion to which security guards are expected to respond.

[PL 1987, c. 701, §5 (AMD).]

**11. Street patrol service.** "Street patrol service" means any contract security company or proprietary security organization utilizing foot patrols, motor vehicles or any other means of transportation on public thoroughfares as security guards.

[PL 1981, c. 113, §2 (NEW).]

#### SECTION HISTORY

PL 1981, c. 113, §2 (NEW). PL 1987, c. 170, §§1-5 (AMD). PL 2017, c. 407, Pt. A, §141 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 131st Legislature and is current through October 15, 2024. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.