



STATE OF MAINE
Department of Public Safety
Maine State Police
42 State House Station
Augusta, Maine
04333-0020

JANET T MILLS
GOVERNOR
MICHAEL SAUSCHUCK
COMMISSIONER

COL. JOHN E COTE
CHIEF
LTC. WILLIAM S HARWOOD
DEPUTY CHIEF

Testimony of Lieutenant Michael P. Johnston
Maine State Police
Department of Public Safety

**In Opposition to LD 612 An Act to Recognize Occupational Licenses
and Certifications from Other States to Attract New Residents and
Businesses to Maine Sponsored by Representative Andrews**

Senator Curry, Representative Roberts, and honorable members of the Committee on Innovation, Development, Economic Advancement and Business: My name is Lieutenant Michael Johnston and I have provided written testimony on behalf of the Maine State Police and the Maine Department of Public Safety to testify in opposition to LD 612 "An Act to Recognize Occupational Licenses and Certifications from Other States To Attract New Residents and Businesses to Maine."

The Maine Department of Public Safety currently licenses and regulates the following professions in the State; Polygraph Examiners, Security Guards and Professional Investigators. The purpose of licensure is to ensure that the person meets the necessary qualifications for the job to ensure the integrity of the profession while ensuring the protection and welfare of Maine people (32 MRS, Chapters 86, 89 and 93 respectively).

Security Guards are defined in Maine law as any person who, for any consideration whatsoever, performs any of the following functions:

- Protection of individuals or property from harm or theft of property of any kind;
- Prevention, observation or detection of any unauthorized activity on private property;
- Prevention of unlawful intrusion or entry, larceny, vandalism, abuse, arson or trespass on private property;
- Street patrol service; or
- Armored car service.

Professional Investigators are defined in Maine law as any person for any consideration whatsoever, who agrees to obtain, or to in fact obtain information with reference to any of the following:

- A crime or other act committed or threatened against the laws or government of the United States, any state or territory or any political subdivision of a state or territory;
- The identity, habits, conduct, movements, whereabouts, affiliations, associations, transactions, reputation or character of any person;
- The cause of or responsibility for libels, fires, losses, accidents or damage or injury to persons or property;
- The location, disposition or recovery of lost or stolen property;
- Evidence to be used before a court, board, officer or investigative committee, including evidence derived through computer forensics; or
- The detection of surreptitiously installed devices designed for eavesdropping or observation, or both, for video and audio devices.

A Polygraph Examiner is a highly trained person who conducts a polygraph examination. This polygraph examination is a sophisticated and complex process consisting of a trained examiner using an instrument to measure and record both behavioral and physiological indicators to determine deception on human subjects. These examinations are used to support several critical public safety functions including criminal investigations and law enforcement officer and public safety personnel screening and hiring. They are also used by clinicians in the field of mental health and treatment in post-conviction sex offender treatment. Oftentimes in Maine polygraph examiners are either current or retired police officers.

These areas of licensure have aspects that are unique in-terms of the welfare of the public. They can involve the carrying and use of firearms and other weapons, decisions regarding when and how to use force, decisions regarding lawful covert methods of investigation and when how to interview and interact with members of the public in a variety of situations. Maine has strict licensing requirements to ensure that individuals licensed to engage in these professions have the requisite judgement, decision-making, qualifications and good moral character to do so safely and effectively.

The Department of Public Safety receives very few complaints each year in these areas. We believe that speaks in part to the licensing requirements and qualifications currently in place.

On behalf of the State Police and the Department of Public Safety we appreciate your careful consideration of these issues. Thank you for your time and we would be happy to work with the sponsor and the committee at the work session.

Respectfully,

Lt. Michael Johnston