

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 1298

H. P. 963

House of Representatives, February 17, 1965

Referred to the Committee on Legal Affairs. Sent up for concurrence and ordered printed.

JEROME G. PLANTE, Clerk

Presented by Mr. Conley of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

AN ACT for Licensing Private Detectives and Watch, Guard and Patrol
Agencies.

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

R. S., T. 32, c. 55, repealed and replaced. Chapter 55 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

CHAPTER 55

PRIVATE DETECTIVES

WATCH, GUARD OR PATROL AGENCIES

§ 3801. Detectives, watch, guard or patrol agencies; license; bond; unlawful to advertise as state detective; fee

The Secretary of State may license private detectives and watch, guard or patrol agencies for the detection, prevention and punishment of crime or protection and safeguarding of property for the term of one year, unless such license is sooner revoked for cause. Each person so licensed before receiving his license shall give a bond as hereinafter prescribed. Nothing herein contained shall be construed to confer on any person so licensed, any of the power and authority of sheriffs or police officers, except in cases of felony and offenses under Title 17, chapters 61, 73, 113 and 115 and section 3104. No person so licensed shall advertise or represent himself as a state detective under penalty of the forfeiture of his license and a fine of not more than \$100, to be recovered upon complaint. Every person licensed shall, before receiving his license, pay to the Secretary of State the license fees hereinafter prescribed.

§ 3802. When license required; exceptions; penalties

No person shall engage in, advertise or hold himself out as being engaged in, or solicit private detective business or the business of watch, guard or patrol agency, notwithstanding the name or title used in describing such business, unless licensed for such purpose as provided in this section.

This section shall not apply to:

1. State employees. A person employed by or on behalf of the State of Maine, including the Legislature or either of its branches, any committee of the Legislature or either of its branches, any special commission required to report to the Legislature, any political subdivision of the State of Maine or any public instrumentality, while such person is engaged in the discharge of his official duties.

2. Charitable agencies. A charitable, philanthropic or law enforcement agency, duly incorporated under the laws of the State of Maine, or any agent thereof while he is engaged in the discharge of his duties as such agent; provided, that such agency is promoted and maintained for the public good and not for private profit.

3. Credit bureaus. A credit reporting bureau or agency whose business is principally the furnishing of information as to business and financial standing and credit responsibility.

4. Investigation of insurance applicants. Investigations as to the personal habits and financial responsibility of applicants for insurance or indemnity bonds, provided, such investigations do not include other activities described in this section.

5. Attorneys. An attorney at law in the practice of his profession.

6. Business statistics. Investigations with respect to, or the compilation or dissemination of, any data or statistics pertaining to any business or industry, by any trade or business association, board or organization, incorporated or unincorporated, not operated for profit, representing persons engaged in such business or industry, or by any agent of such trade or business association while he is engaged in the discharge of his duties as such agent.

7. Insurance adjusters. An insurance adjuster or investigator while acting in such capacity.

8. Credit investigations. Any trade or business association, board or organization, incorporated or unincorporated, which furnishes as a service to members thereof, information pertaining to the business and financial standing, credit, responsibility or reputation of persons with whom such members consider doing business; provided, that an investigation conducted by such association, board or organization shall be no more extensive than is reasonably required to determine the business and financial standing, credit responsibility or reputation of such person.

9. Genealogical investigations. A person engaged in earning his livelihood by genealogical work and the compilation of family history while so engaged.

Whoever violates this section shall be punished by a fine of not less than \$200 nor more than \$1,000, or by imprisonment for not more than one year, or by both.

§ 3803. Application for license

An application for a license to engage in the private detective business or a license to engage in the business of watch, guard or patrol agency shall be filed with the Secretary of State on forms furnished by him, and statements of fact therein shall be under oath of the applicant. Such application shall include a certification by each of 3 reputable citizens of the State residing in the community in which the applicant resides or has a place of business, or in which the applicant proposes to conduct his business, that he has personally known the applicant for at least 3 years, that he has read the application and believes each of the statements made therein to be true, that he is not related to the applicant by blood or marriage, and that the applicant is honest and of good moral character. The applicant, or, if the applicant is a corporation, its manager, superintendent or official representative, shall be at least 21 years of age and of good moral character, and, unless such application is for a license to engage in the business of watch, guard or patrol agency, shall have been regularly employed for not less than 3 years as a detective doing investigating work, a member of an investigative service of the United States, or a police officer of the State or any political subdivision thereof.

§ 3804. Fees; bonds

The fee for an original resident detective license shall be \$50 and for a renewal resident detective license \$25 per year. The fee for an original nonresident detective license shall be \$300 and for a renewal nonresident detective license \$100 per year. The fee for an original resident watch, guard or patrol agency license shall be \$200 and for a renewal resident watch, guard or patrol agency license \$100 per year. The fee for an original nonresident watch, guard or patrol agency license shall be \$500 and for a renewal nonresident watch, guard or patrol agency license \$200 per year. If a person fails to apply for a renewal of a license within 6 months after the expiration thereof he shall pay the fee herein provided for an original license.

Each holder of a resident detective license shall give to the Secretary of State a bond in the sum of \$1,000. Each holder of a nonresident detective license shall give to the Secretary of State a bond in the sum of \$3,000. Each holder of a resident watch, guard or patrol agency license shall give to the Secretary of State a bond in the sum of \$2,500. Each holder of a nonresident watch, guard or patrol agency license shall give to the Secretary of State a bond in the sum of \$5,000. All bonds must be executed by the applicant as principal and by a surety company authorized to do business as such in the State of Maine as surety. Such bond shall be in such form as the Secretary of State may prescribe, conditioned upon the honest conduct of the business of the licensee and the right of any person, injured by the willful, malicious or wrongful act of the licensee to bring in his own name an action on the bond.

§ 3805. Watch, guard or patrol agency; employment of assistants; penalty for making false statements

A watch, guard or patrol agency licensee may employ to assist him in his business as many persons as he may deem necessary but shall not knowingly employ in connection with his business in any capacity any person who has been convicted of a felony or any former licensee whose license has been revoked.

If a licensee falsely states or represents that a person is or was in his employ, such false statement or representation shall be cause for revocation of his license. Whoever falsely states or represents that he has been a licensee or employed by a licensee shall be punished by a fine of not less than \$50 nor more than \$500.

No person shall be employed by any licensee until he shall have executed and furnished to such licensee a statement under oath setting forth his full name, date of birth and residence; his parents' names and places of birth the business or occupation in which he has been engaged for the 3 years immediately preceding the date of filing his statement; and that he has not been convicted of a felony or of any offense involving moral turpitude. Such statements shall be kept on file by the licensee and furnished to the Secretary of State on demand.

Any person who is or has been an employee of a licensee and any licensee who divulges to anyone other than his employer or as his employer shall direct, except before an authorized tribunal, any information acquired by him during such employment in respect to any of the work to which he has been assigned by such employer, and any such employee who willfully makes a false report to his employer in respect to any such work, shall be punished by a fine of not more than \$500 or by imprisonment for not more than one year, or by both.

§ 3806. Use of badge prohibited; exception; identification cards; penalties

No licensee or employee or agent of a licensee shall use a badge of any kind for identification purposes except a guard or watchman in uniform who shall wear any such badge on the left breast of his uniform. Such badge shall not contain the word "Police". A licensee or his employee or agent may use as identification a card, approved as to form by the Secretary of State, which shall bear the signature of the licensee and, if such card is used as identification by an employee or agent, the signature of such employee or agent.

Whoever violates this section shall be punished by a fine of not more than \$100.

§ 3807. Authority to arrest; compensation

Private detectives, licensed as aforesaid, shall have the same authority to arrest in cases of offenses under Title 17, chapters 61, 73, 113 and 115 and section 3104 and of felonies in any part of the State, and shall receive the same fees as sheriffs in similar cases. No extra compensation shall be paid to them in any case from the State or county treasury.'