

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES (Filing No. H-96)  
110TH LEGISLATURE  
FIRST REGULAR SESSION

to

COMMITTEE AMENDMENT "A"/H.P. 185, L.D. 257, Bill, "AN ACT to  
Revise the Law Relating to the Licensing of Private Investigators."

Amend the bill in section 2 in that part designated "§8103."  
the first 7 lines ( first 5 lines in L.D. )  
by striking out / of subsection 5 and inserting in their place the  
following:

'5. Private investigator. "Private investigator" means any  
person who, for any consideration whatsoever, engages in or solicits  
business or accepts employment to furnish, or agrees to make or  
makes any investigation to obtain, information with reference to  
any of the following:'

Further amend the bill in section 2 in that part designated  
"§8104." subsection 2, by striking out all of paragraph H and in-  
serting in its place the following:

'H. An insurance adjuster or investigator, or an employee  
investigating claims for or against his employer;'

Further amend the bill in section 2 in that part designated  
"§8104." subsection 2 by striking out all of paragraphs "I" and "J"  
and inserting in their place the following:

'I. A person engaged in compiling genealogical information;

J. A person possessing a valid private investigator's license  
granted under any prior existing provision of law of this State  
provided that, upon expiration of the license, the person shall  
be governed by this section; or

K. An employee of a person not licensed under this chapter to do private investigative work, including a proprietary security organization ✓, provided that the employee performs investigative functions solely for the employer and relating to the conduct of the employer's business.'

Further amend the bill in section 2 in that part designated "§8105." by striking out all of subsections 4 and 5 and inserting in their place the following:

'4. Character. Has demonstrated good moral character and has not been convicted of a crime which is punishable by a maximum term of imprisonment equal to or exceeding one year, or a crime enumerated in this chapter. The determination of good moral character shall be made in writing, based upon evidence recorded by a governmental entity. The commissioner shall consider matters recorded within the previous 5 years including, but not limited to, the following:

- A. Records of incidents of abuse by the applicant of family or household members provided pursuant to Title 19, section 770, subsection 1;
- B. Records provided by the Department of Human Services regarding the failure of the applicant to meet child or family support obligations;
- C. Records of 3 or more convictions of the applicant for Class D or E crimes;

D. Records of 3 or more civil violations by the applicants;

or

E. Records that the applicant has engaged in recklessness or negligence that endangered the safety of others, including the use of weapons or motor vehicles;

5. Application. Submits an application which contains the following:

A. Full name;

B. Full current address and addresses for the prior 5 years;

C. The date and place of birth, height, weight and color of eyes;

D. A statement granting the chief of police authority to check the criminal records of any law enforcement agency. The applicant must agree to submit to having his fingerprints taken by the issuing authority if it becomes necessary to resolve any question as to his identity; and

E. Answers to the following questions:

(1) Are you currently under indictment or information for a crime for which the penalty is imprisonment for in excess of one year?

(2) Have you ever been convicted of a crime for which the possible penalty exceeded one year in prison?

(3) Are you a fugitive from justice?

(4) Are you an unlawful user of or addicted to marijuana or any other drug?

(5) Have you been adjudged mentally defective or been committed to a mental institution within the past 5 years? or

(6) Are you an illegal alien?

By affixing his signature, the applicant certifies that the information in the application provided by him is true and correct and that he understands that an affirmative answer to the questions paragraph E, in/subparagraph (5) is cause for refusal and any false statement may result in prosecution as provided in section 8114.'

Further amend the bill in section 2 in that part designated "§8105." by striking out in subsection 7 all of the first 2 lines <sup>their</sup> (same in LD) and inserting in / place the following:

'7. Employment. Has been employed for at least one year.'  
section 2 of

Further amend the bill in / that part designated "§8105." by striking out all of subsection 8 and inserting in its place the following:

'8. Examination. Has passed an examination administered by the commissioner covering subjects pertaining to private investigation to be prescribed by him, provided that a person currently licensed, as described in section 8106, may at no time be required to take any such examination.'

Further amend the bill in section 2 in that part designated "§8105." by striking out all of the last paragraph.

Further amend the bill in section 2 in that part designated "§8107." by striking out all of the first paragraph and inserting in its place the following:

'Applications for original licenses shall be made to the commissioner in writing under oath on forms prescribed by him with respect to the requirements of section 8105. The application shall be accompanied by the fee required under section 8117, and by a certification, by each of 3 reputable citizens of the State, of the following:'

Further amend the bill in section 2 by <sup>striking out</sup> that part designated "§8109." and inserting in its place the following:

'§8109. Renewal of license

Each private investigator's license is valid for a term of one year and is, unless revoked or suspended, renewable annually.'

Further amend the bill in section 2 in that part designated "§8113." by striking out all of subsections <sup>2 and 4</sup> and inserting in their place the following:

'2. Employing more than 3 assistants. For engaging or employing more than 3 investigative assistants at one time;

4. Conviction. For being adjudged guilty of any crime punishable by more than one year in prison, or of any crime enumerated in this chapter; or'

Further amend the bill in section 2 by inserting after that part designated "§8116." the following:

'§8117. Fees

1. Amount. The fee for an original license is \$100, of which \$25 must be submitted with the application and \$75 must be

submitted upon issuance of the license. The fee for a renewal is \$50, which is refundable upon denial of renewal.

2. Expiration. If a previously issued license has expired and not been renewed within a period of 60 days, the application shall be considered the original application and the same fees and all requirements of an original application shall apply.

3. Expenses. The fees required under this chapter shall be applied to the expense of administering this chapter.'

Further amend the bill in section 2 by renumbering those parts designated "§8117." and "§8118." to be '§8118.' and '§8119.'

#### Statement of Fact

There are 3 primary areas of change made by this amendment to the original bill. First, the amendments more fully integrate the law regarding private investigators with the law concerning concealed weapons, since private investigators are licensed by virtue of this law to carry a weapon concealed.

Second, the amendment provides for the exemption of present licensees from the examination requirement of the bill.

Third, the amendment places the rate-making structure back in the statute, rather than changing it to a rule-making decision by the commissioner, as was contemplated by the original bill.

Reported by the Committee on Legal Affairs.  
Reproduced and distributed under the direction of the Clerk  
of the House.

3/12/81

(Filing No. H-96)