

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

**FIRST REGULAR SESSION**

December 5, 1984 to June 20, 1985

Chapters 1-384

PUBLISHED BY THE REVISOR OF STATUTES IN ACCORDANCE WITH  
MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 163-A,  
SUBSECTION 4.

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1986

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

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FIRST REGULAR SESSION

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ONE HUNDRED AND TWELFTH LEGISLATURE

1985

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cordance with section 4966. The Attorney General, the municipality or the planning board of any municipality may institute proceedings to enjoin the violations of this section.

All subdivision plats and plans required by this section shall contain the name and address of the person under whose responsibility the subdivision plat or plan was prepared.

Effective September 19, 1985.

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## CHAPTER 207

H.P. 242 - L.D. 283

### AN ACT to Amend the Laws Relating to Private Investigators.

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

Sec. 1. 32 MRSA §8110-A is enacted to read:

§8110-A. Employment of investigative assistant

A private investigator duly licensed under this chapter may employ investigative assistants provided that:

1. Limit on number of investigative assistants. No more than 3 investigative assistants are employed at one time; and

2. Assistants to be licensed. Each investigative assistant is duly licensed under this chapter.

Sec. 2. 32 MRSA §8113, as amended by PL 1981, c. 698, §164, is repealed and the following enacted in its place:

§8113. Refusal; suspension; revocation; grounds

The commissioner may, after a hearing in conformance with the provisions of the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV, refuse to issue or renew a license. The Administrative Court may suspend or revoke the license of any person licensed under this chapter. The following

shall be grounds for an action to refuse to issue, suspend, revoke or refuse to renew the license of a person licensed under this chapter:

1. Fraud or deceit. The practice of fraud or deceit in obtaining a license under this chapter or in connection with service rendered within the scope of the license issued;

2. Conviction of certain crimes. Conviction of a crime which involves dishonesty or false statement or which relates directly to the practice for which the licensee is licensed or which is enumerated in this chapter, or conviction of any crime for which incarceration for one year or more may be imposed;

3. Violation of chapter or rule. Any violation of this chapter or any rule adopted by the commissioner;

4. Aiding or abetting unlicensed practice of private investigation. Aiding or abetting the practice of private investigation by a person not duly licensed under this chapter and who represents himself to be duly licensed;

5. Failure to maintain bond. Failure to maintain a bond as required by section 8111;

6. Incompetence. Incompetence in the practice for which he is licensed. A licensee shall be deemed incompetent in the practice if the licensee has:

A. Engaged in conduct which evidences a lack of ability or fitness to discharge the duty owed by the licensee to a client or the general public;  
or

B. Engaged in conduct which evidences a lack of knowledge, or inability to apply principles or skills to carry out the practice for which he is licensed;

7. Employment of felon or person whose license has been revoked. Employment, in connection with a private investigation business, in any capacity, or any person who has been convicted of a felony or any former licensee whose license has been revoked; or

8. Representations that licensee is sworn peace officer. Representation by the licensee which suggests, or which would reasonably cause another person to believe, that he is a sworn peace officer

of this State, any political subdivision of this State, any other state or of the Federal Government.

Effective September 19, 1985.

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## CHAPTER 208

S.P. 393 - L.D. 1092

### AN ACT to Repeal the Minimum Size for Scallops.

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

12 MRSA §6721, as enacted by PL 1977, c. 661, §5, is repealed.

Effective September 19, 1985.

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## CHAPTER 209

H.P. 361 - L.D. 481

### AN ACT to Amend Certain Aspects of Post-conviction Review.

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

Sec. 1. 15 MRSA §2121, sub-§1-A is enacted to read:

1-A. Assigned justice. "Assigned justice" means the Justice or Active Retired Justice of the Supreme Judicial Court or the Justice or Active Retired Justice of the Superior Court assigned the post-conviction review proceeding when a special assignment has been made. It means any Justice or Active Retired Justice attending to the regular criminal calendar when the post-conviction review proceeding is assigned to the regular criminal calendar.

Sec. 2. 15 MRSA §2123, sub-§1-A is enacted to read: