

MAINE STATE LEGISLATURE

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No

December 14, 1951

To R. A. Derbyshire, Secretary, Board of Dental Examiners

. . . We have your letter of December 3, 1951, in which you inquire if you have the right to hire a detective or other person to go to the office of a dentist who, you believe, is violating the dental laws, and offer himself to have work done, to gain absolute proof of such violations.

It is our opinion that such a practice would be objectionable in that it approaches entrapment which is in most instances illegal. Of course there is a fine line between entrapment and the process of uncovering crime by detection; but such practice as is here suggested may result in such tempting of the dentist that a court would declare the arrest invalid.

You do not state in your letter the exact method by which you expect a detective to get such information as you desire, and we merely suggest difficulties you might encounter if a detective does not pursue his endeavor properly. . .

James G. Frost
Assistant Attorney General

jgf/c