

# MAINE STATE LEGISLATURE

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August 17, 1972

Kenneth M. Curtis, Governor

Executive

Craig H. Nelson, Assistant

Attorney General

The granting of a private detective's license in futuro.

Your memo of July 28, 1972 to George C. West, Deputy Attorney General, concerning the above-captioned subject matter has been referred to my attention.

In your memo you posed the following question:

"Can a current member of the Maine State Police be given a detective license by Governor and Council that will go into effect after his resignation and retirement from Maine State service, presumably within a definite time period of sixty or ninety days?"

(It is assumed that, by reference to the giving of a "detective license by Governor and Council," you mean the procedure provided in the Revised Statutes, Title 32, chapter 55-A, for the licensing of "private detectives or investigators" and "watch, guard or patrol agencies," which was enacted by the Public Laws of 1971, c. 582 and became effective on June 9, 1972.)

Although there does not appear to be any provision in Chapter 55-A of Title 32 (§§ 3803-3809) which specifically prohibits the Governor, with the advice and consent of the Council, from granting to an applicant, who is presently a member of the Maine State Police, a private detective's license having a definite effective date after the date on which said applicant plans to resign and retire from the Maine State Police and State service, there, likewise, does not appear to be any provision which specifically permits such action.

It does appear, however, that Title 25 M.R.S.A. § 1503 provides that members of the State Police "shall hold no other office during their term of service." Furthermore, on June 5, 1972, the Attorney General issued an opinion to Colonel Robert Marx to the effect that the licensing of a present member of the State Police as a private detective under the provisions of 32 M.R.S.A. §§ 3801 and 3802 (predecessor to present "Private Detective Law" which was repealed by P.L. 1971, c. 582, § 2) was prohibited by the above-quoted provision of 25 M.R.S.A. § 1503.

In the absence of any specific provision for the postdating of licenses and in view of the prohibitory provision of section 1503 and the Attorney General's Opinion referred to above, it would appear that

**NOT A FORMAL OPINION**

Kenneth M. Curtis, Governor

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prior to the granting of a private detective's license by the Governor and Council, an applicant must not only qualify by meeting all of the requirements of sections 3805 and 3806 of Title 32, but he must further qualify by not being a member of the Maine State Police at the time the license is granted. The answer to your foregoing question must, therefore, be in the negative.

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CRAIG H. NELSON  
Assistant Attorney General

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