

# MAINE STATE LEGISLATURE

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32 M.R.S.A. § 3806

JOSEPH E. BRENNAN  
ATTORNEY GENERAL



RICHARD S. COHEN  
JOHN M. R. PATERSON  
DONALD G. ALEXANDER  
DEPUTY ATTORNEYS GENERAL

STATE OF MAINE  
DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA, MAINE 04333

August 6, 1976

Honorable Charles A. Jacobs  
Executive Councillor  
District Six  
Shore Road  
Dexter, Maine 04930

Dear Charlie:

Acknowledgement is made of your request dated August 4, 1976, wherein you asked: "Who has authority to approve private detective and watch, guard and patrol agency applications prior to January 4, 1977, the Governor and Executive Council or the Commissioner of Public Safety?"

Prior to the First Special Session of the 107th Legislature, 32 M.R.S.A. § 3806 gave the Governor, with the advice and consent of the Council, the power to grant licenses to private detective businesses or watch, guard or patrol agencies. The First Special Session enacted two pieces of legislation which amended 32 M.R.S.A. § 3806 as it related to the granting of licenses. Chapter 744 amended 32 M.R.S.A. §3806 to give the Commissioner of Public Safety the power to grant licenses to engage in the private detective business or to watch, guard or patrol agencies. This was approved April 9, 1976 and became effective July 29, 1976.

Chapter 771 which dealt with the redistribution of the powers of the Executive Council in §365, amended 32 M.R.S.A. §3806 to give the Commissioner of Public Safety the power to grant such licenses. This is effective January 4, 1977.

These two statutory amendments are not in conflict to the extent that they both grant the Commissioner of Public Safety the power to grant licenses. It is the opinion of this office that as of July 29, 1976

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the Commissioner of Public Safety had the power to grant licenses to private detective businesses or watch, guard or patrol agencies, subject, of course, to compliance with other provisions of the statutes.

If you have any further questions regarding this matter, please feel free to call upon me.

Sincerely,

  
JOSEPH E. BRENNAN  
Attorney General

JEB:we