

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 987

S. P. 320

In Senate, February 21, 1973

Referred to Committee on Legal Affairs. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Clifford of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to License Fees and Penalties for Nonresidents in the
Private Detective Business.

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

Sec. 1. R. S., T. 32, § 3804, amended. The last paragraph of section 3804 of Title 32 of the Revised Statutes, as enacted by section 1 of chapter 582 of the public laws of 1971, is amended to read as follows:

Whoever violates any provisions of this section shall be punished by a fine of not less than \$200 nor more than \$1,000, or by imprisonment for not more than ~~one year~~ **11 months**, or by both.

Sec. 2. R. S., T. 32, § 3807, sub-§ 2, amended. The first paragraph of subsection 2 of section 3807 of Title 32 of the Revised Statutes, as enacted by section 1 of chapter 582 of the public laws of 1971, is repealed and the following enacted in place thereof:

The fee for an original license for a nonresident to engage in the private detective business shall be \$100 and to engage in the watch, guard or patrol agency business shall be \$200; and for a renewal of a license to engage in the private detective business the fee shall be \$50 and for a renewal to engage in the watch, guard or patrol agency business, the fee shall be \$100.

Any fees paid by a nonresident to obtain a private detective license under a prior existing law in excess of the fee schedule set out in this subsection shall be refunded to the nonresident provided application is made for the refund before December 31, 1973.

Sec. 3. R. S., T. 32, § 3808, amended. The last paragraph of section 3808 of Title 32 of the Revised Statutes, as enacted by section 1 of chapter 582 of the public laws of 1971, is repealed and the following enacted in place thereof:

Whoever violates any provision of this section shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both.

Sec. 4. R. S., T. 32, § 3809, amended. The last paragraph of section 3809 of Title 32 of the Revised Statutes, as enacted by section 1 of chapter 582 of the public laws of 1971, is amended to read as follows:

Whoever violates any provision of this section shall be punished by a fine of not less than \$200 nor more than \$1,000, or by imprisonment for not less than 6 months nor more than ~~one year~~ 11 months, or by both.

STATEMENT OF FACT

The private detective law in its present form discriminates between the license fees charged residents and nonresidents. The fee paid by a nonresident is considerably higher than that paid by a resident. In a ruling by the Maine Supreme Court in the case of **State of Maine v. Cohen**, 133 Me 293, 177 A 403 (1935), the court expressly held that licensing discrimination between residents and nonresidents was constitutionally invalid. The purpose of the amendments to sections 3804, 3808 and 3809 are to make violation of these sections a misdemeanor, not a felony.