

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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**Legislative Document**

**No. 260**

H. P. 199

House of Representatives, February 3, 1977

Referred to the Committee on Legal Affairs. Sent up for concurrence and 1,500 copies ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Dow of West Gardiner.

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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**AN ACT to Revise the Laws Relating to Private Detectives.**

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

Sec. 1. 32 MRSA § 3803, sub-§ 4, as enacted by PL 1971, c. 582, § 1, is amended by adding at the end the following new sentences:

The phrase "business of" as used in this section shall be interpreted to require the obtaining of a license in compliance with this chapter by any full-time state, county or local law enforcement officer who is bonded in accordance with this chapter and who engages in that type of activity regulated by this chapter on a part-time, off-duty basis. "Full-time" shall mean employment with the reasonable expectation of earning at least \$2,500 in any one calendar or fiscal year for performing law enforcement duties.

Sec. 2. 32 MRSA § 3805, 3rd sentence, as enacted by PL 1971, c. 582, § 1, is amended to read:

The applicant, or, if the applicant is a corporation, its resident manager, superintendent or official representative, shall be at least ~~20~~ 18 years of age and of good moral character and, unless such application is for a license to engage in the business of watch, guard or patrol agency, shall have been regularly employed for not less than one year as a detective doing investigating work, a member of an investigative service of the United States or a police officer of the State of Maine or any political subdivision thereof.

Sec. 3. 32 MRSA § 3806, as amended, is further amended by adding at the end the following new paragraph:

If a previously issued license has expired and has not been renewed within a period of 60 days, such application shall be considered the original applica-

tion and the same fees and all requirements of an original application shall apply.

**Sec. 4.** 32 MRSA § 3807, sub-§ 1, 1st paragraph, as enacted by PL 1971, c. 582, § 1, is amended to read:

The fee for an original license for a resident of this State to engage in the private detective business shall be ~~\$100~~ \$150 and to engage in the watch, guard or patrol agency business shall be ~~\$200~~ \$300; and for a renewal of a license to engage in the private detective business the fee shall be ~~\$50~~ \$75 and for a renewal of a license to engage in the watch, guard or patrol agency business the fee shall be ~~\$100~~ \$150.

**Sec. 5.** 32 MRSA § 3807, sub-§ 1, 2nd paragraph, 1st sentence, as amended by PL 1975, c. 744, § 5, is further amended to read:

Each resident licensed to engage in the private detective business or licensed to engage in the watch, guard or patrol agency business shall give to the Commissioner of Public Safety a bond in the sum of ~~\$5,000~~ \$10,000.

**Sec. 6.** 32 MRSA § 3807, sub-§ 2, 1st paragraph, as repealed and replaced by PL 1973, c. 292, § 2, is amended to read:

The fee for an original license for a nonresident to engage in the private detective business shall be ~~\$100~~ \$200 and to engage in the watch, guard or patrol agency business shall be ~~\$200~~ \$400; and for a renewal of a license to engage in the private detective business the fee shall be ~~\$50~~ \$100 and for a renewal to engage in the watch, guard or patrol agency business, the fee shall be ~~\$100~~ \$200.

**Sec. 7.** 32 MRSA § 3807, sub-§ 2, 3rd paragraph, 1st sentence, as amended by PL 1975, c. 744, § 6, is further amended to read:

Each nonresident licensed to engage in the private detective business shall give to the Commissioner of Public Safety a bond in the sum of ~~\$25,000~~ \$50,000; and each nonresident licensed to engage in the watch, guard or patrol agency business shall give to the Commissioner of Public Safety a bond in the sum of ~~\$25,000~~ \$50,000.

**Sec. 8.** 32 MRSA § 3808, 1st paragraph, as enacted by PL 1971, c. 582, § 1, is repealed and the following enacted in its place:

A licensee may employ, to assist him in his business, as many persons as he may deem necessary, except that a licensed person engaged in the private detective business may not employ more than one person to act as a private detective or engage in the private detective business. A person so employed or engaged shall be bonded in the amount of \$20,000 and that bond shall be on file with the Commissioner of Public Safety. The person employed or engaged shall be licensed as an Assistant Private Detective with the Commissioner of Public Safety for a fee of \$150, provided he meets all application requirements excepting one year's experience as an investigator and is a resident of the State of Maine. A license shall be issued as an Assistant Private Detective for a period of one year provided the person so licensed shall remain employed by the same licensed private detective for that period.

At the end of one year the licensed Assistant Private Detective shall apply for a private detective license and shall meet all requirements as to fees and bonds as required by section 3807.

No licensee may knowingly employ in connection with this business in any capacity any person who has been convicted of a felony or any former licensee whose license has been revoked.

Sec. 9. 32 MRSA § 3809, sub-§ 1, as enacted by PL 1971, c. 582, § 1, is further amended by adding a new paragraph to read as follows:

L. Use the words, "Maine," "State," "Police" in the name of names of companies so licensed according to this section nor use any other title indicating that the company is in any way connected to an organized police department of the State of Maine.

#### STATEMENT OF FACT

The purpose of this bill is to make necessary changes in the laws relating to private detectives and to increase provisions for fees and bonds.