

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 519

H.P. 398

House of Representatives, February 6, 2001

An Act to Amend the Licensing Provisions for Private Investigators.

Submitted by the Department of Public Safety pursuant to Joint Rule 204.
Reference to the Committee on Business and Economic Development suggested and
ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative CHIZMAR of Lisbon.
Cosponsored by Senator MARTIN of Aroostook and
Representatives: LESSARD of Topsham, MAYO of Bath, Senator: DAVIS of Piscataquis.

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

2
3 **Sec. 1. 32 MRSA §8103, sub-§1**, as enacted by PL 1981, c. 126,
4 §2, is amended to read:

6 **1. Commissioner.** "Commissioner" means the Commissioner of
Public Safety or the commissioner's designee.

8
9 **Sec. 2. 32 MRSA §8105, sub-§5, ¶E**, as enacted by PL 1981, c.
10 126, §2, is amended to read:

12 E. Answers to the following questions:

14 (1) Are you currently under indictment or information
15 for a crime for which the possible penalty is
16 imprisonment for ~~in-excess-of~~ a period equal to or
exceeding one year?

18 (2) Have you ever been convicted of a crime for which
19 the possible penalty ~~exceeded~~ was imprisonment for a
20 period equal to or exceeding one year in-prison?

22 (3) Are you a fugitive from justice?

24 (4) Are you an unlawful user of or addicted to
25 marijuana or any other drug?

28 (5) Have you been adjudged mentally defective or been
29 committed to a mental institution within the past 5
30 years? or

32 (6) Are you an illegal alien?

34 **Sec. 3. 32 MRSA §8105, sub-§7-A, ¶A**, as amended by PL 1987, c.
35 602, §2, is further amended to read:

36 A. Has been employed for consideration for a minimum of one
37 year 1,200 hours within a one-year period as an
38 investigative assistant possessing a valid license issued by
39 the commissioner;

42 **Sec. 4. 32 MRSA §8113, first ¶**, as repealed and replaced by PL
43 1985, c. 207, §2 and as amended by PL 1999, c. 547, Pt. B, §78
44 and affected by §80, is further amended to read:

46 The commissioner may, after a notice of an opportunity for
47 hearing in conformance with the provisions of the Maine
48 Administrative Procedure Act, Title 5, chapter 375, subchapter
49 IV, refuse to issue or renew a license. The District Court may
50 suspend or revoke the license of any person licensed under this
chapter. The following ~~shall-be~~ are grounds for an action to

2 refuse to issue, suspend, revoke or refuse to renew the license
of a person licensed under this chapter:

4 **Sec. 5. 32 MRSA §8113, sub-§7**, as repealed and replaced by PL
1985, c. 207, §2, is amended to read:

6 **7. Employment of prohibited person.** Employment, in
8 connection with a private investigation business, in any
capacity, ~~or~~ of any person who has been convicted of a ~~felony~~
10 crime punishable by imprisonment for one year or more or any
former licensee whose license has been revoked; or

14 SUMMARY

16 This bill affects the licensing statutes for private
investigators as follows.

18 1. It clarifies the Commissioner of Public Safety's
20 authority to appoint a designee to deal with licensing matters.

22 2. It makes consistent the language identifying
24 disqualifying convictions for the license application and
refusing to issue, suspending and revoking a private investigator
license.

26 3. It amends the section describing prior experience as an
28 investigative assistant to make the section more specific.

30 4. It makes clear that the commissioner must provide notice
and opportunity for hearing if there are grounds to refuse to
32 issue or renew a license under the chapter pertaining to private
investigators and the burden is on the applicant to request that
34 hearing pursuant to the Maine Administrative Procedure Act.

36 5. It deletes a reference to the outdated term "felony."