

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1014

H.P. 735

House of Representatives, February 25, 2003

An Act To Enhance Professionalism of Private Investigators in this State

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BUNKER of Kossuth Township.
Cosponsored by Senator CARPENTER of York.

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

2
4 **Sec. 1. 32 MRSA §8104, sub-§2, ¶¶J and K,** as enacted by PL 1981, c. 126, §2, are amended to read:

6 J. A person possessing a valid private investigator's
8 license granted under any prior existing provision of law of
10 this State, provided that, upon expiration of the license,
12 the person ~~shall-be~~ is governed by this section; ~~or~~

14 K. An employee of a person not licensed under this chapter
16 to do private investigative work, including a proprietary
18 security organization, provided that the employee performs
20 investigative functions solely for the employer and relating
22 to the conduct of the employer's business, ~~; or~~

24 **Sec. 2. 32 MRSA §8104, sub-§2, ¶L** is enacted to read:

26 L. An individual who holds a valid private investigator's
28 license from another state or territory of the United States
30 and is investigating a case in this State, if:

32 (1) The state or territory in which the individual is
34 licensed grants reciprocity to private investigators
36 licensed in this State;

38 (2) The case being investigated by the individual
40 originated in the state or territory in which the
42 individual is licensed;

44 (3) The individual has spent no more than 15 days
46 investigating the case in this State;

48 (4) The individual does not solicit private
50 investigation business in this State during the
 individual's investigation of the case; and

(5) The individual does not establish a residence or a
 private investigation business in this State during the
 individual's investigation of the case.

Sec. 3. 32 MRSA §8105, sub-§7-A, ¶A, as amended by PL 2001, c.
298, §3, is further amended to read:

 A. Has been employed for consideration under the direct
 supervision of a licensed private investigator for a minimum
 of 1,700 hours as an investigative assistant possessing a
 valid license issued by the commissioner. The 1,700 hours
 must have been completed within ~~2-years~~ 18 months after the
 date of issuance of the investigative assistant license but

may not have been completed in less than one year after the date of issuance of the license;

Sec. 4. 32 MRSA §8109-A is enacted to read:

§8109-A. Confidentiality of personal information

If the commissioner requires an applicant or licensee to provide a personal residence address, telephone number or e-mail address for the purposes of original licensure or license renewal, the commissioner may not disclose that information to any person except as required by law.

Sec. 5. 32 MRSA §8112, as enacted by PL 1981, c. 126, §2, is amended to read:

§8112. Ineligibility of public officials

No A person is not eligible for a license under this chapter who if that person derives plenary or special law enforcement powers from the State or any political subdivision thereof of the State. This section does not apply to an investigative consultant. For the purposes of this section, "investigative consultant" means a person licensed under this chapter who has entered into a contract with a law enforcement agency in this State to provide investigative services or consultation to the law enforcement agency. An investigative consultant is subject to all confidentiality requirements of the law enforcement agency with which the investigative consultant is under contract.

Sec. 5. 32 MRSA §8114, sub-§2, ¶A, as enacted by PL 1981, c. 126, §2, is amended to read:

A. To make any representation which, including, but not limited to, presentation of a badge, that suggests, or which that would reasonably cause another person to believe, that he the licensed private investigator is a sworn peace officer of this State, any political subdivision thereof, or any other state or of the Federal Government;

SUMMARY

This bill makes several changes to the current licensing requirements for private investigators. The bill allows, under certain circumstances, a private investigator licensed in a state or territory that has a reciprocal agreement with Maine to conduct an investigation in Maine without a Maine private investigator's license. The bill also requires a private investigative assistant to complete 1,700 hours of employment,

2 under the supervision of a licensed private investigator and
within 18 months of receiving an investigative assistant license,
to be eligible for a private investigator's license.
4 Additionally, the bill requires that a licensed private
investigator complete 40 hours of continuing professional
6 education within each 2-year license renewal period, and
clarifies that use of a badge to suggest that a private
8 investigator is a sworn peace officer of the State is unlawful.