

MAINE STATE LEGISLATURE

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EIGHTY-FIFTH LEGISLATURE

Legislative Document

No. 494

H. P. 973

House of Representatives, Feb. 11, 1931.

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

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Goudy of South Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND THIRTY-ONE

AN ACT to Revise, Arrange and Regulate the Licensing of Private Detectives.

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

R. S. c. 142, Sec. 17, 18 and 19 relating to the licensing of private detectives is hereby amended by repealing the same and substituting therefor the following:

‘Sec. 17. No person shall engage in the business of or solicit business as a private detective, or the business commonly transacted by a private detective, under any name or title whatsoever, without first obtaining a license so to do as provided in sections eighteen to twenty-seven inclusive.

Sec. 18. The said license may be granted by the secretary of state to any reputable citizen of the United States, or to any firm or corporation making written application therefor. The persons making the application shall be not less than twenty-one years of age, and shall have had at least three years’ experience as investigators. The holder of a license may employ as many agents, operatives and assistants as may be deemed necessary by the licensee for the conduct of the business.

Sec. 19. Application for the license shall be made on blank forms to be furnished by the secretary of state. The material facts stated in the application shall be verified by the oath of the applicants, or, in the case of corporations, by the oath of

the resident manager or superintendent to whom the license may be issued. The application shall contain the certificates of at least three reputable citizens of the state, residing in the town where the applicant proposes in his application to establish his principal place of business, and said certificates shall be received as evidence of the good repute of the applicants, and as evidence that the representations made in the application are true.

Sec. 20. The license shall be granted for one year, and shall state therein the name and address of the principal office or place of business of the licensee, and the name under which the licensed business is to be conducted.

Sec. 21. For each license, the licensee shall pay to the secretary of state the sum of fifty dollars annually before receiving his license and shall give to the secretary of state a bond in the sum of two thousand dollars, executed by the applicant as principal and by a surety company authorized to do business in the state as surety. The bond shall be in such form as the secretary of state may prescribe, conditioned upon the honest conduct of the business of the licensee, and the right of any person injured by the wilful, malicious or wrongful act of the licensee to bring in his own name an action on the bond.

Sec. 22. A license may be revoked at any time by the secretary of state for good cause shown; provided, that due notice shall have been given to the licensee to appear before the secretary of state to show cause why the license should not be revoked.

Sec. 23. Any person who is or has been an employee of a licensee and who divulges any information gained by him in the said employment except as his employer may direct, or as he may be required by law to do, or who wilfully makes a false report to his employer, shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year, or both.

Sec. 24. Any person other than an agent, employee or assistant of a licensee hereunder, and any corporation acting as a private detective without obtaining a license in accordance with sections seventeen to twenty-seven, inclusive, shall be punished by a fine of not more than five hundred dollars or by imprisonment for a term not exceeding one year, or

both; but no corporation shall be liable to the said penalty if its resident manager or superintendent is duly licensed under said sections.

Sec. 25. Sections seventeen to twenty-seven, inclusive, shall not apply to any detective or officer belonging to any police department in the state, or of any subdivision thereof, while engaged in the performance of his official duties; not to a charitable, philanthropic or law-enforcement society or association duly incorporated under the laws of the state, nor to any agent thereof while engaged in the discharge of his duties, as such agent; provided, that the society or organization is promoted and maintained for the public good and not for private profit; nor to any person employed by any person as an investigator in connection with the business of such employer, and whose services are not let out to another for profit or gain; nor to any regularly established credit-reporting or mercantile agency.

Sec. 26. The secretary of state shall have charge of the administration and enforcement of sections seventeen to twenty-five inclusive, in this chapter.

Sec. 27. Private detectives, licensed as aforesaid, shall have the same authority to arrest in cases of offenses under chapter one hundred and thirty-one and the first thirteen sections of chapter one hundred and thirty-six, and of felonies in any part of the state, and shall receive the same fees as sheriffs in similar cases. No extra compensation shall be paid to them in any case from the state or county treasury.'