CHAPTER 89

PROFESSIONAL INVESTIGATORS

§8101. Short title

This chapter is known and may be cited as the Professional Investigators Act. [PL 2011, c. 366, §6 (AMD).]

SECTION HISTORY

PL 1981, c. 126, §2 (NEW). PL 2011, c. 366, §6 (AMD).

§8102. Purpose

The purpose of this chapter is to regulate any person, firm, corporation or other legal entity engaged in the business of private investigation. [PL 2011, c. 366, §7 (AMD).]

SECTION HISTORY

PL 1981, c. 126, §2 (NEW). PL 2011, c. 366, §7 (AMD).

§8103. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1981, c. 126, §2 (NEW).]

1. Commissioner.
[PL 2011, c. 366, §8 (RP).]

1-A. Board.
[PL 2025, c. 704, §10 (RP).]

1-B. Chief. "Chief" means the Chief of the State Police or the chief's designee.
[PL 2011, c. 366, §10 (NEW).]

1-C. Computer forensics. "Computer forensics" means the use of digital forensic science that involves the examination of digital media to identify, preserve, recover and analyze information related to legal matters.
[PL 2011, c. 366, §11 (NEW).]

2. Investigative assistant. "Investigative assistant" means a person who acts as a professional investigator under the supervision of a licensed professional investigator in accordance with this chapter.
[PL 2011, c. 366, §12 (AMD).]

3. Licensee. "Licensee" means any person licensed under this chapter as a professional investigator or investigative assistant.
[PL 2011, c. 366, §13 (AMD).]

4. Person. "Person" means any natural person, firm, association, partnership, corporation, government agency or subdivision, or any employee or agent thereof.
[PL 1981, c. 126, §2 (NEW).]

4-A. Private investigation. "Private investigation" means for any consideration whatsoever, to agree to obtain, or to in fact obtain information with reference to any of the following:

A. A crime or other act committed or threatened against the laws or government of the United States, any state or territory or any political subdivision of a state or territory; [PL 2011, c. 366, §14 (NEW).]

B. The identity, habits, conduct, movements, whereabouts, affiliations, associations, transactions, reputation or character of any person; [PL 2011, c. 366, §14 (NEW).]

C. The cause of or responsibility for libels, fires, losses, accidents or damage or injury to persons or property; [PL 2011, c. 366, §14 (NEW).]

D. The location, disposition or recovery of lost or stolen property; [PL 2011, c. 366, §14 (NEW).]

E. Evidence to be used before a court, board, officer or investigative committee, including evidence derived through computer forensics; or [PL 2011, c. 366, §14 (NEW).]

F. The detection of surreptitiously installed devices designed for eavesdropping or observation, or both, for video and audio devices. [PL 2011, c. 366, §14 (NEW).]

[PL 2011, c. 366, §14 (NEW).]

5. Professional investigator. "Professional investigator" means any person who engages in or solicits business or accepts employment to conduct private investigations.

A. [PL 2011, c. 366, §15 (RP).]

B. [PL 2011, c. 366, §15 (RP).]

C. [PL 2011, c. 366, §15 (RP).]

D. [PL 2011, c. 366, §15 (RP).]

E. [PL 2011, c. 366, §15 (RP).]

[PL 2011, c. 366, §15 (RPR).]

SECTION HISTORY

PL 1981, c. 126, §2 (NEW). PL 2001, c. 298, §1 (AMD). PL 2011, c. 366, §§8-15 (AMD). PL 2025, c. 704, §10 (AMD).

§8103-A. Board of Licensure of Professional Investigators

(REPEALED)

SECTION HISTORY

PL 2011, c. 366, §16 (NEW). PL 2025, c. 704, §11 (RP).

§8104. License requirement; exceptions

1. License. A person may not act as a professional investigator without first obtaining from the chief a license to be a professional investigator or investigative assistant.

[PL 2011, c. 366, §17 (AMD).]

2. Exceptions. This section does not apply to the following:

A. A person employed by or on behalf of the Federal Government, any state or any political subdivision or public instrumentality or a Canadian province, while in the performance of the person's official duties; [PL 2011, c. 366, §18 (AMD).]

B. [PL 2011, c. 366, §19 (RP).]

C. A person employed to inquire into the fitness of an applicant for employment with that person's employer; [PL 1981, c. 126, §2 (NEW).]

D. A credit reporting bureau or agency, or agent thereof, whose business is the furnishing of information concerning a person's business, financial or credit standing; [PL 1981, c. 126, §2 (NEW).]

E. An insurance company investigating the personal habits and financial responsibility of applicants for insurance or indemnity bonds; [PL 2011, c. 366, §20 (AMD).]

F. An attorney admitted to practice law in the State acting in a professional capacity; [PL 2011, c. 366, §21 (AMD).]

G. A nonprofit trade or business association, board or organization, whether incorporated or unincorporated, or any agent thereof, conducting an investigation for the following purposes:

(1) To furnish to members of the association, board or organization, information concerning the business, financial or credit standing or the reputation of a person with whom the members consider doing business; provided that the investigation is no more extensive than is reasonably necessary; or

(2) To compile or disseminate statistics or data relating to business of the members of the association, board or organization; [PL 1981, c. 126, §2 (NEW).]

H. An insurance adjuster, or an employee investigating claims for or against the employee's employer; [PL 2011, c. 366, §22 (AMD).]

I. A person engaged in compiling genealogical information or otherwise tracing lineage or ancestry, by primarily using public records and historical information or databases; [PL 2011, c. 366, §23 (AMD).]

J. A person possessing a valid private investigator's license granted under any prior existing provision of law of this State, as long as, upon expiration of the license, the person is governed by this section; [PL 2011, c. 366, §24 (AMD).]

K. A person employed exclusively and regularly by an employer in connection with the affairs of the employer only, and there exists a bona fide employer-employee relationship in which the employee is reimbursed on an hourly basis; [PL 2011, c. 366, §25 (RPR).]

L. A person acting within the scope of the person's professional practice to analyze facts, evidence or other data for the purposes of supplying expert testimony in a legal proceeding; or [PL 2011, c. 366, §26 (NEW).]

M. An Internet research company or an individual who is solely engaged in the retrieval of data from an online source or database and who does not question individuals in person, by phone or by electronic means, when those electronic means are used as a tool to gather information for a fee. [PL 2011, c. 366, §27 (NEW).]

[PL 2011, c. 366, §§18-27 (AMD).]

SECTION HISTORY

PL 1981, c. 126, §2 (NEW). PL 2011, c. 366, §§17-27 (AMD).

§8105. Private investigator's license qualifications

A person is qualified to be licensed as a professional investigator who: [PL 2011, c. 366, §28 (AMD).]

1. Age. Is at least 21 years of age;
[PL 2011, c. 366, §29 (AMD).]

2. Citizenship. Is a citizen or resident alien of the United States;
[PL 1981, c. 126, §2 (NEW).]

3. Graduation. Is a graduate of an accredited high school or has been granted high school equivalency status by the State;
[PL 1981, c. 126, §2 (NEW).]

4. Character. Has demonstrated good moral character and has not been convicted of a crime that is punishable by a maximum term of imprisonment equal to or exceeding one year, or a crime enumerated in this chapter. The determination of good moral character must be made in writing, based upon evidence recorded by a governmental entity. The chief shall consider matters recorded within the previous 5 years including, but not limited to, the following:

A. Records of incidents of abuse by the applicant of family or household members provided pursuant to Title 19-A, section 4114, subsection 1; [PL 2021, c. 647, Pt. B, §60 (AMD); PL 2021, c. 647, Pt. B, §65 (AFF).]

B. Records provided by the Department of Health and Human Services regarding the failure of the applicant to meet child or family support obligations; [PL 1981, c. 126, §2 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

C. Records of 3 or more convictions of the applicant for Class D or E crimes; [PL 1981, c. 126, §2 (NEW).]

D. Records of 3 or more civil violations by the applicant; or [PL 2011, c. 366, §30 (AMD).]

E. Records that the applicant has engaged in recklessness or negligence that endangered the safety of others, including the use of weapons or motor vehicles; [PL 1981, c. 126, §2 (NEW).]

[PL 2021, c. 647, Pt. B, §60 (AMD); PL 2021, c. 647, Pt. B, §65 (AFF).]

5. Application. Submits an application approved by the chief that, at a minimum, includes the following information:

A. The applicant's full name; [PL 2011, c. 366, §31 (AMD).]

B. The applicant's full current residential address and the applicant's residential addresses during the previous 5 years; [PL 2011, c. 366, §31 (AMD).]

C. The applicant's date and place of birth, height, weight and color of eyes; [PL 2011, c. 366, §31 (AMD).]

D. A written statement signed by the applicant granting the chief authority to check the criminal records of any law enforcement agency that pertains to any matter involving the applicant. The applicant must agree to submit to having the applicant's fingerprints taken by the issuing authority if it becomes necessary to resolve any question as to the applicant's identity; and [PL 2011, c. 366, §31 (AMD).]

E. The answers to the following questions:

(1) Are you currently under indictment or information for a crime for which the possible penalty is imprisonment for a period equal to or exceeding one year?

(2) Have you ever been convicted of a crime for which the possible penalty was imprisonment for a period equal to or exceeding one year?

(3) Are you a fugitive from justice?

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

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

(6) Are you an illegal alien? [PL 2011, c. 366, §31 (AMD); PL 2021, c. 669, §5 (REV).]

By affixing the applicant's signature, the applicant certifies that the information in the application provided by the applicant is true and correct, that the applicant understands that an affirmative answer to any of the questions in paragraph E is cause for a license to be denied and that any false statement may result in prosecution as provided in section 8114.

[PL 2011, c. 366, §31 (AMD); PL 2021, c. 669, §5 (REV).]

6. Military discharge. Has not been dishonorably discharged from military service;
[PL 1981, c. 126, §2 (NEW).]

7. Employment.
[PL 1985, c. 141, §1 (RP).]

7-A. Experience. Meets at least one of the following criteria:

A. Has successfully completed an investigative assistant sponsorship program pursuant to section 8110-B and has earned a minimum of 60 academic credits of postsecondary education in a related field of study or an equivalent certificate of study for private investigation; [PL 2011, c. 366, §32 (AMD).]

B. Has been employed for a minimum of 3 years as a member of an investigative service of the United States as a sworn member of a branch of the United States Armed Forces or a federal investigative agency. For purposes of this paragraph, "a member of an investigative service of the United States" means a full-time federal investigator or detective of the United States Armed Forces; [PL 2011, c. 691, Pt. D, §11 (AMD).]

B-1. Has held for a period of not less than 3 years a valid professional investigator's license granted under the laws of another state or territory of the United States if:

(1) The requirements of the state or territory for a professional investigator's license were, at the date of the licensing, substantially equivalent to the requirements of this chapter; and

(2) The other state or territory grants similar reciprocity to license holders in this State; [PL 2011, c. 366, §32 (NEW).]

C. Has been employed for a minimum of 3 years as a law enforcement officer of a state or political subdivision of a state and has met the training requirements set forth in Title 25, section 2804-C or is qualified to receive a waiver from those requirements; or [PL 2011, c. 366, §32 (AMD).]

D. Possesses a minimum of 6 years of preparation consisting of a combination of:

(1) Work experience, including at least 2 years in a nonclerical occupation related to law or the criminal justice system; and

(2) Educational experience, including at least:

(a) Sixty academic credits of postsecondary education in a field of study listed in division (b) acquired at an accredited junior college, college or university;

(b) An associate degree acquired at an accredited junior college, college, university or technical college in police administration, security management, investigation, law, criminal justice or computer forensics or other similar course of study acceptable to the chief; or

(c) An associate degree in any field of study that is acceptable to the chief; and [PL 2011, c. 366, §32 (AMD).]
[PL 2011, c. 691, Pt. D, §11 (AMD).]

8. Examination. Has passed an examination administered by the chief covering subjects pertaining to private investigation to be prescribed by the chief, except that a person currently licensed, as described in section 8106, may at no time be required to take any such examination.
[PL 2011, c. 366, §33 (AMD).]

SECTION HISTORY

PL 1981, c. 126, §2 (NEW). PL 1985, c. 141, §§1,2 (AMD). PL 1987, c. 602, §2 (AMD). PL 1989, c. 443, §90 (AMD). RR 1991, c. 2, §118 (COR). PL 1995, c. 694, §D56 (AMD). PL 1995, c. 694, §E2 (AFF). PL 2001, c. 298, §§2,3 (AMD). PL 2003, c. 689, §B6 (REV). PL 2009, c.

20, §1 (AMD). PL 2011, c. 366, §§28-33 (AMD). PL 2011, c. 691, Pt. D, §11 (AMD). PL 2021, c. 647, Pt. B, §60 (AMD). PL 2021, c. 647, Pt. B, §65 (AFF). PL 2021, c. 669, §5 (REV).

§8106. Acquisition of license by persons currently licensed

A person possessing, under Maine law, a valid private investigator's license on the effective date of this chapter whose license then expires, by application, compliance with section 8105, subsection 8 and payment of the required fee, is entitled to a professional investigator's license. [PL 2011, c. 366, §34 (AMD).]

SECTION HISTORY

PL 1981, c. 126, §2 (NEW). PL 2011, c. 366, §34 (AMD).

§8107. Application for original license

Applications for original licenses must be made to the chief under oath on forms prescribed by the chief demonstrating the qualifications required under this chapter. The application must be accompanied by the fee required under section 8117 and by a certification by each of 3 reputable citizens of the State of the following: [PL 2011, c. 366, §35 (AMD).]

1. Residence. That the reputable citizen resides in the community in which the applicant resides, has a place of business or proposes to conduct the applicant's private investigation business;
[PL 2011, c. 366, §35 (AMD).]

2. Knowledge of applicant. That the reputable citizen has personally known the applicant for at least 3 years;
[PL 2011, c. 366, §35 (AMD).]

3. Relation to applicant. That the reputable citizen is not related to the applicant by blood or marriage;
[PL 2011, c. 366, §35 (AMD).]

4. Character of applicant. That the applicant is honest and of good moral character; and
[PL 1981, c. 126, §2 (NEW).]

5. Truth of statements in application. That the reputable citizen has read the application and believes each statement in it to be true.
[PL 2011, c. 366, §35 (AMD).]

SECTION HISTORY

PL 1981, c. 126, §2 (NEW). PL 2011, c. 366, §35 (AMD).

§8108. Applicant with out-of-state license

(REPEALED)

SECTION HISTORY

PL 1981, c. 126, §2 (NEW). PL 2011, c. 366, §36 (RP).

§8109. Renewal of license

Each professional investigator's license is valid for an initial term of 2 years. Unless the license is revoked, the licensee may apply to renew the license every 4 years after the initial term. [PL 2011, c. 366, §37 (AMD).]

SECTION HISTORY

PL 1981, c. 126, §2 (NEW). PL 1991, c. 780, §H1 (AMD). PL 2003, c. 620, §1 (AMD). PL 2011, c. 366, §37 (AMD).

§8110. Investigative assistant's license

1. Qualifications. A person is qualified to be licensed as an investigative assistant who meets the qualifications set forth in section 8105, subsections 1 through 6.
[PL 1981, c. 126, §2 (NEW).]

2. Application. An application for an investigative assistant's license must be made to the chief in accordance with the requirements of section 8105, subsection 5 and section 8107. The application must be accompanied by the fee required under section 8117.
[PL 2011, c. 366, §38 (AMD).]

3. Term of license. The investigative assistant's license is valid for 2 years from the date of issuance and is not renewable. To qualify for a license as a professional investigator, within those 2 years the investigative assistant must complete 1,200 hours of training.
[PL 2011, c. 366, §39 (AMD).]

4. Sponsor. An investigative assistant may engage in the business of private investigating only when sponsored by a professional investigator licensed under this chapter.
[PL 2011, c. 366, §40 (NEW).]

SECTION HISTORY

PL 1981, c. 126, §2 (NEW). PL 1983, c. 221, §1 (AMD). PL 2003, c. 620, §2 (AMD). PL 2011, c. 366, §§38-40 (AMD).

§8110-A. Employment of investigative assistant

A professional investigator duly licensed under this chapter whose primary place of business is located in the State may employ an investigative assistant pursuant to section 8110-B subject to the following: [PL 2011, c. 366, §41 (AMD).]

1. Limit on number of investigative assistants. No more than one investigative assistant is employed at one time; and
[PL 2011, c. 366, §41 (AMD).]

2. Investigative assistant to be licensed. The investigative assistant is licensed under this chapter.
[PL 2011, c. 366, §41 (AMD).]

SECTION HISTORY

PL 1985, c. 207, §1 (NEW). PL 2011, c. 366, §41 (AMD).

§8110-B. Sponsorship of investigative assistant

1. Supervision and documentation of investigative assistant's activities. The sponsoring professional investigator is responsible for overseeing and documenting the activities of the investigative assistant under the sponsoring professional investigator's supervision, including:

A. Keeping a record of all 1,200 training hours, including hours worked on specific activities performed by the investigative assistant; and [PL 2011, c. 366, §42 (NEW).]

B. Providing specific training in areas determined by the chief by rule. [PL 2011, c. 366, §42 (NEW).]
[PL 2011, c. 366, §42 (NEW).]

2. Distribute materials. The holder of an investigative assistant's license may not obtain or distribute any materials, such as a business card, letterhead, invoice or brochure, in any name other than that of the sponsoring professional investigator.
[PL 2011, c. 366, §42 (NEW).]

3. Termination of investigative assistant. A duly licensed professional investigator who terminates the sponsorship of a licensed investigative assistant must notify the chief of the termination immediately. The notification must be in writing and contain the cause of the termination. The chief

shall immediately notify the investigative assistant that the investigative assistant must cease all licensed activity.
[PL 2011, c. 366, §42 (NEW).]

SECTION HISTORY

PL 2011, c. 366, §42 (NEW).

§8111. Bonding and insurance requirements

1. Bonding requirement. A person licensed as a professional investigator shall give to the chief a bond in the sum of $10,000 if the licensee is a resident of the State and in the sum of $50,000 if the licensee is not a resident of the State.

A person licensed as an investigative assistant shall give to the chief a bond in the sum of $20,000.
[PL 2011, c. 366, §43 (AMD).]

2. Form of a bond. Each bond must:

A. Be in a form prescribed by the chief; [PL 2011, c. 366, §43 (AMD).]

B. Be executed by the licensee as principal and by a surety company authorized to do business in this State as surety; and [PL 1981, c. 126, §2 (NEW).]

C. Be conditioned upon the honest conduct of the business of the licensee and the right of any person, including the officer of any aggrieved labor union or association, whether or not incorporated, injured by the intentional, knowing, reckless or negligent act of the licensee to bring, in the licensee's own name, an action on the bond. [PL 2011, c. 366, §43 (AMD).]
[PL 2011, c. 366, §43 (AMD).]

3. Insurance requirement. A person licensed as a professional investigator shall provide to the chief proof of insurance naming the licensee as the insured issued by an insurer authorized to do business in the State in the amount of a minimum of $10,000 in property damages, $100,000 for injury or death of a person and $200,000 for injuries to or deaths of more than one person arising out of the operation of the licensed activity. Proof of insurance must be submitted to the chief annually.
[PL 2011, c. 366, §43 (NEW).]

SECTION HISTORY

PL 1981, c. 126, §2 (NEW). PL 2011, c. 366, §43 (AMD).

§8112. Ineligibility of public officials

No person is eligible for a license under this chapter who derives plenary or special law enforcement powers from the State or any political subdivision thereof. [PL 1981, c. 126, §2 (NEW).]

SECTION HISTORY

PL 1981, c. 126, §2 (NEW).

§8113. Refusal; suspension; revocation; grounds

In accordance with the Maine Administrative Procedure Act, the chief may refuse to issue or renew a license, suspend or revoke the license of any person licensed under this chapter, impose probationary conditions, fines or costs of hearing and investigation or issue a written warning on the following grounds: [PL 2011, c. 366, §44 (AMD).]

1. Fraud or deceit. The practice of fraud or deceit in obtaining a license under this chapter or in connection with service rendered within the scope of the license issued;
[PL 1985, c. 207, §2 (RPR).]

2. Conviction of certain crimes. Conviction of a crime that involves dishonesty or false statement or that relates directly to the practice for which the licensee is licensed or that is enumerated in this chapter or conviction of any crime for which incarceration for one year or more may be imposed;
[PL 2011, c. 366, §44 (AMD).]

3. Violation of chapter or rule. Any violation of this chapter or any rule adopted by the chief;
[PL 2011, c. 366, §44 (AMD).]

4. Aiding or abetting unlicensed practice of private investigation. Aiding or abetting the practice of private investigation by a person not duly licensed under this chapter and who represents to others that the person is duly licensed;
[PL 2011, c. 366, §44 (AMD).]

5. Failure to maintain bond and insurance. Failure to maintain a bond and insurance as required by section 8111;
[PL 2011, c. 366, §44 (AMD).]

6. Incompetence. Incompetence in the practice for which the person is licensed. A licensee is considered incompetent in the practice if the licensee has:

A. Engaged in conduct that evidences a lack of ability or fitness to discharge the duty owed by the licensee to a client or the general public; or [PL 2011, c. 366, §44 (AMD).]

B. Engaged in conduct that evidences a lack of knowledge or an inability to apply principles or skills to carry out the practice for which the person is licensed; [PL 2011, c. 366, §44 (AMD).]
[PL 2011, c. 366, §44 (AMD).]

7. Employment of prohibited person. Employment, in connection with a private investigation business, in any capacity, of any person who has been convicted of a crime punishable by imprisonment for one year or more or any former licensee whose license has been revoked;
[PL 2011, c. 161, §1 (AMD).]

8. Representations that licensee is sworn peace officer. Representation by the licensee that suggests, or that would reasonably cause another person to believe, that the licensee is a sworn peace officer of this State, any political subdivision of this State, any other state or the Federal Government;
[PL 2011, c. 691, Pt. A, §36 (AMD).]

9. Unpermitted contact with a child. Contact or communication with a child who has not attained 14 years of age regarding a private investigation if that contact or communication includes conduct with the intent to harass, torment, intimidate or threaten a child;
[PL 2011, c. 691, Pt. A, §37 (AMD).]

10. Misstatement. Intentionally or knowingly making a material misstatement in filing an application for a license or renewal of a license;
[PL 2011, c. 366, §44 (NEW).]

11. Violation of standards of acceptable professional conduct. A violation of the standards of acceptable professional conduct adopted by rule by the chief; or
[PL 2011, c. 366, §44 (NEW).]

12. Cause for refusal. Committing an act that would have been cause for the refusal to issue a license had the act occurred and been known to the chief at the time of issuance of a license.
[PL 2011, c. 366, §44 (NEW).]

The chief may reconsider, modify or reverse probation, suspension or other disciplinary action.
[PL 2011, c. 366, §44 (NEW).]

SECTION HISTORY

PL 1981, c. 126, §2 (NEW). PL 1981, c. 698, §164 (AMD). PL 1985, c. 207, §2 (RPR). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2001, c. 298, §§4,5 (AMD). PL 2011, c. 161, §§1-3 (AMD). PL 2011, c. 366, §44 (AMD). PL 2011, c. 691, Pt. A, §§36, 37 (AMD).

§8113-A. Suspension for refusal

1. Immediate suspension. If the chief has probable cause to believe that a person licensed pursuant to this chapter is required to submit to chemical testing for the presence of intoxicating liquor or drugs pursuant to Title 17-A, section 1057 or for conduct that occurs while the licensee is in possession of a loaded firearm and the licensee refuses to submit to the required testing, the chief shall immediately suspend the licensee's right to carry a concealed handgun.
[PL 2013, c. 424, Pt. A, §16 (AMD).]

2. Report to chief. A law enforcement officer who has probable cause to require chemical testing of a licensee shall promptly notify the chief of a licensee's refusal and provide the chief with a report of the facts and circumstances of the requirement to submit to chemical testing and of the licensee's refusal.
[PL 2011, c. 366, §45 (AMD).]

3. Suspension in effect during pendency. A suspension remains in effect until the entry of judgment if charges are filed of violating Title 17-A, section 1057 or of operating a motor vehicle, snowmobile, ATV or watercraft under the influence of intoxicating liquor or drugs, unless it is determined by the court in which the criminal charge or civil violation is pending, or by the Secretary of State if a hearing is held pursuant to Title 29-A, section 2483, that the law enforcement officer did not have probable cause to require the licensee to submit to chemical testing.
[PL 2011, c. 366, §45 (AMD).]

SECTION HISTORY

PL 1989, c. 917, §17 (NEW). PL 1995, c. 65, §A132 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 2011, c. 366, §45 (AMD). PL 2013, c. 424, Pt. A, §16 (AMD).

§8114. Unlawful acts

A person is guilty of improper conduct in private investigation if the person commits any of the acts described in this section. Improper conduct in private investigation is a Class D crime. [PL 2011, c. 366, §46 (NEW).]

1. Acting without license; false representation. A person acts without a license or commits false representation if that person intentionally or knowingly:

A. Except as provided in section 8104, acts as a professional investigator without a valid license; [PL 2011, c. 366, §46 (AMD).]

B. Falsely represents that the person is the holder of a valid license; [PL 2011, c. 366, §46 (AMD).]

C. Falsely represents that any person in the person's employ is a professional investigator or investigative assistant; or [PL 2011, c. 366, §46 (AMD).]

D. Makes any false statements or material omission in any application filed with the chief. [PL 2011, c. 366, §46 (AMD).]
[PL 2011, c. 366, §46 (AMD).]

2. Representation as peace officer; employment of certain convicted persons; failure to surrender license. A licensed professional investigator or investigative assistant commits misrepresentation as a peace officer, employment of a certain convicted person or failing to surrender if that professional investigator or investigative assistant intentionally or knowingly:

A. Makes any representation, including, but not limited to, presentation of a badge, that suggests, or that would reasonably cause another person to believe, that the licensed professional investigator or investigative assistant is a sworn peace officer of this State, any political subdivision of this State, any other state or the Federal Government; [PL 2011, c. 366, §46 (AMD).]

B. Employs, in connection with a private investigation business, in any capacity, a former licensee whose license has been revoked or a person who has been convicted of :

(1) A crime in this State that is punishable by imprisonment for a term exceeding one year or more;

(2) A crime under the laws of the United States that is punishable by imprisonment for a term exceeding one year;

(3) A crime under the laws of another state that, in accordance with the laws of that jurisdiction, is punishable by a term of imprisonment exceeding one year. This subparagraph does not include a crime under the laws of another state that is classified by the laws of that state as a misdemeanor and is punishable by a term of imprisonment of 2 years or less; or

(4) A crime under the laws of another state that, in accordance with the laws of that jurisdiction, does not come within subparagraph (3) but is elementally substantially similar to a crime in this State that is punishable by a term of imprisonment for one year or more; or [PL 2011, c. 366, §46 (AMD).]

C. Fails or refuses to surrender the professional investigator's license to the chief following revocation or suspension. [PL 2011, c. 366, §46 (AMD).]

[PL 2011, c. 366, §46 (AMD).]

3. Employing unlicensed individual. A licensed professional investigator commits improper employment conduct if the professional investigator intentionally or knowingly employs or engages any other person to act as a professional investigator unless the person so employed or engaged is licensed as a professional investigator or investigative assistant.

[PL 2011, c. 366, §46 (AMD).]

4. Failure of assistant to return equipment.

[PL 2011, c. 366, §46 (RP).]

5. Other unlawful acts. A person licensed under this chapter or any person employed by the person commits improper investigative conduct if that person intentionally or knowingly:

A. Incites, encourages or aids any person who has become a party to any strike to commit any unlawful act against any person or property; [PL 2011, c. 366, §46 (AMD).]

B. Incites, stirs up, creates or aids in the inciting of discontent or dissatisfaction among the employees of any person with the intention of having them strike; [PL 2011, c. 366, §46 (AMD).]

C. Interferes with or prevents lawful and peaceful picketing during strikes; [PL 2011, c. 366, §46 (AMD).]

D. Interferes with, restrains or coerces employees in the exercise of their right to form, join or assist any labor organization of their choosing; [PL 2011, c. 366, §46 (AMD).]

E. Interferes with or hinders lawful or peaceful collective bargaining between employers and employees; [PL 2011, c. 366, §46 (AMD).]

F. Pays or offers to give any money, gratuity, consideration or other thing of value, directly or indirectly, to any person for any verbal or written report of the lawful activities of employees in the exercise of their right to organize, form or assist any labor organization and to bargain collectively through representatives of their choosing; [PL 2011, c. 366, §46 (AMD).]

G. Advertises for, recruits, furnishes or replaces or offers to furnish or replace for hire or reward, within or outside the State, any skilled or unskilled help or labor, armed guards, other than armed guards employed for the protection of payrolls, property or premises, for service upon property that is being operated in anticipation of or during the course of a strike; [PL 2011, c. 366, §46 (AMD).]

H. Furnishes armed guards upon the highways for persons involved in labor disputes; [PL 2011, c. 366, §46 (AMD).]

I. Furnishes or offers to furnish to employers or their agents any arms, munitions, tear gas implements or any other weapons; [PL 2011, c. 366, §46 (AMD).]

J. Sends letters or literature to employers offering to eliminate labor unions; or [PL 2011, c. 366, §46 (AMD).]

K. Advises any person of the membership of an individual in a labor organization for the purpose of preventing that individual from obtaining or retaining employment. [PL 2011, c. 366, §46 (AMD).]

[PL 2011, c. 366, §46 (AMD).]

SECTION HISTORY

PL 1981, c. 126, §2 (NEW). RR 2003, c. 2, §98 (COR). PL 2003, c. 620, §3 (AMD). PL 2011, c. 366, §46 (AMD).

§8114-A. Complaint investigation; disciplinary actions

1. Complaint investigation. The chief shall investigate a complaint, on the chief's own motion or upon receipt of a written complaint filed with the chief, regarding noncompliance with or violation of this chapter or of rules adopted by the chief. The chief may adopt rules regarding the receipt and investigation of complaints. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

The chief shall notify the licensee of the content of the complaint filed against the licensee as soon as possible, but not less than 60 days after receipt of the information. The licensee shall respond within 30 days. If the chief determines that a violation took place but was not of a serious nature, the chief may issue a written warning to the licensee. A copy of the warning and licensee's response to the complaint must be placed in the licensee's permanent file.

The licensee may, within 30 days of receipt of a warning, file a request for a hearing. Upon receipt of the request, the chief shall set aside the written warning and set the matter for hearing in accordance with the provisions of the Maine Administrative Procedure Act.

[PL 2011, c. 366, §47 (NEW).]

2. Hearing. If an investigation under subsection 1 reveals evidence supporting the complaint, the chief shall set the matter for hearing in accordance with the provisions of the Maine Administrative Procedure Act before suspending or revoking a license or imposing probationary or supervisory conditions or a fine.

[PL 2011, c. 366, §47 (NEW).]

3. Aggrieved by disciplinary action. A licensee aggrieved by a disciplinary action of the chief may bring an appeal in accordance with the Maine Administrative Procedure Act.

[PL 2011, c. 366, §47 (NEW).]

4. Voluntary compliance. At any time during the investigative or hearing process under this section, the chief may accept an assurance of voluntary compliance from the licensee if the assurance effectively deals with the complaint.

[PL 2011, c. 366, §47 (NEW).]

SECTION HISTORY

PL 2011, c. 366, §47 (NEW).

§8115. Identification cards; badges prohibited

1. Issuance of identification cards. The chief shall design and issue to each person licensed under this chapter an identification card featuring a recent photograph of the licensee.
[PL 2011, c. 366, §48 (NEW).]

2. Use of badges prohibited. A person licensed under this chapter may not carry or present a badge that suggests, or that would reasonably cause another person to believe, that the licensed professional investigator or investigative assistant is a sworn peace officer of this State, any political subdivision of this State, any other state or the Federal Government.
[PL 2011, c. 366, §48 (NEW).]

SECTION HISTORY

PL 1981, c. 126, §2 (NEW). PL 2011, c. 366, §48 (RPR).

§8116. Powers of the chief

1. Subpoenas. In any investigation conducted by the chief under this chapter, the chief may issue subpoenas to compel the attendance of witnesses and the production of evidence relevant to any fact in issue.
[PL 2011, c. 366, §49 (AMD).]

2. Contempt. If a witness refuses to obey a subpoena or to give any evidence relevant to proper inquiry by the chief, the Attorney General may petition the Superior Court in the county where the refusal occurred to find the witness in contempt. The Attorney General shall cause to be served on that witness an order requiring the witness to appear before the Superior Court to show cause why the witness should not be adjudged in contempt. The court shall, in a summary manner, hear the evidence and, if it is such as to warrant the witness in doing so, punish that witness in the same manner and to the same extent as for contempt committed before the Superior Court or with reference to the process of the Superior Court.
[PL 2011, c. 366, §49 (AMD).]

3. Rules. The chief may adopt rules necessary to administer this chapter, including, but not limited to, rules regarding standards of acceptable professional conduct and training requirements for and sponsorship of investigative assistants. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2025, c. 704, §12 (AMD).]

SECTION HISTORY

PL 1981, c. 126, §2 (NEW). PL 2011, c. 366, §49 (AMD). PL 2025, c. 704, §12 (AMD).

§8117. Fees

1. Amount. The fee for an original biennial license is $500, of which $50 must be submitted with the application and $450 must be submitted upon issuance of the license. The fee for a 4-year renewal is $500, which is refundable upon denial of renewal. The fee for an investigative assistant's license is $600, of which $200 must be submitted with the application and $400 must be submitted upon issuance of the license.
[PL 2011, c. 366, §50 (AMD).]

2. Expiration. If a previously issued license has expired and not been renewed within a period of 60 days, the application must be considered the original application and the same fees and all requirements of an original application apply.
[PL 2011, c. 366, §50 (AMD).]

3. Expenses. The fees required under this chapter must be applied to the expense of administering this chapter.
[PL 2011, c. 366, §50 (AMD).]

SECTION HISTORY

PL 1981, c. 126, §2 (NEW). PL 1983, c. 221, §2 (AMD). PL 1991, c. 780, §H2 (AMD). PL 2003, c. 620, §4 (AMD). PL 2011, c. 366, §50 (AMD).

§8118. Application of Administrative Procedure Act

The Maine Administrative Procedure Act, Title 5, chapter 375, shall govern all administrative actions taken under this chapter. [PL 1981, c. 126, §2 (NEW).]

SECTION HISTORY

PL 1981, c. 126, §2 (NEW).

§8119. Severability clause

If any provision of this chapter or the application thereof to any person or circumstance is held invalid by the court of competent jurisdiction, the holding shall not affect other provisions or applications of this chapter which can be given effect without that jurisdiction or application. [PL 1981, c. 126, §2 (NEW).]

SECTION HISTORY

PL 1981, c. 126, §2 (NEW).

§8120. Firearms proficiency

(REPEALED)

SECTION HISTORY

PL 1987, c. 602, §3 (NEW). PL 1997, c. 360, §4 (RP).

§8120-A. Handguns

A professional investigator licensed under this chapter may carry a handgun while performing the duties of a professional investigator only after being issued a concealed handgun permit by the chief pursuant to Title 25, chapter 252 and passing the written firearms examination prescribed by the chief. [PL 2013, c. 424, Pt. A, §17 (NEW).]

SECTION HISTORY

PL 1997, c. 360, §5 (NEW). PL 2011, c. 298, §13 (AMD). PL 2011, c. 366, §51 (AMD). PL 2013, c. 424, Pt. A, §17 (RPR).

§8121. Confidentiality when under contract to law enforcement agency

A professional investigator or investigative assistant who enters into a written contract with a law enforcement agency in this State to provide investigative services or consultation to the law enforcement agency is subject to the same provisions of law regarding confidentiality as are employees of the law enforcement agency with which the professional investigator or investigative assistant is under contract. [PL 2011, c. 366, §52 (AMD).]

SECTION HISTORY

PL 2003, c. 620, §5 (NEW). PL 2011, c. 366, §52 (AMD).

§8122. Proof of valid professional investigator's license

A person or company soliciting work or employment as a professional investigator shall provide proof to any client that the professional investigator holds a valid professional investigator's license

before entering into any agreement or contract to conduct investigations. [PL 2011, c. 366, §53 (NEW).]

SECTION HISTORY

PL 2011, c. 366, §53 (NEW).

§8123. Violation

Except when a criminal penalty is otherwise provided, a person who violates this chapter or a rule adopted pursuant to this chapter commits a civil violation for which a fine of not less than $1,000 may be adjudged. [PL 2011, c. 366, §54 (NEW).]

SECTION HISTORY

PL 2011, c. 366, §54 (NEW).

§8124. Confidential information

The home address and home telephone number of a professional investigator or investigative assistant obtained by the State under this chapter are confidential and may not be disclosed except by written consent of the subject of the information, by court order, for criminal justice purposes or for permitting purposes by law enforcement agencies or permitting authorities. [PL 2025, c. 704, §13 (AMD).]

SECTION HISTORY

PL 2015, c. 295, §1 (NEW). PL 2025, c. 704, §13 (AMD).

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