

STATE OF MAINE

LAWS

Relating to

**PROFESSIONAL INVESTIGATORS**

**And**

**INVESTIGATIVE ASSISTANTS**

ISSUED BY THE  
BUREAU OF MAINE STATE POLICE  
AUGUSTA, MAINE

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of the

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**All applicants are encouraged to consult the Bureau of Maine State Police on any questions  
involving Professional Investigators and Investigative Assistants  
207-624-7210**

**Maine Revised Statute Title 32, Chapter 89:  
PROFESSIONAL INVESTIGATORS**

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## **32 §8101. SHORT TITLE**

This chapter is known and may be cited as the Professional Investigators Act.

## **32 §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.

## **32 §8103. DEFINITIONS**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

### **1. Commissioner.**

1-A. **Board.** "Board" means the Board of Licensure of Professional Investigators under section 8103-A, as established under Title 5, section 12004-G, subsection 29-D.

1-B. **Chief.** "Chief" means the Chief of the State Police or the chief's designee.

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.

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.

3. **Licensee.** "Licensee" means any person licensed under this chapter as a professional investigator or investigative assistant.

4. **Person.** "Person" means any natural person, firm, association, partnership, corporation, government agency or subdivision, or any employee or agent thereof.

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;

B. The identity, habits, conduct, movements, whereabouts, affiliations, associations, transactions, reputation or character of any person;

C. The cause of or responsibility for libels, fires, losses, accidents or damage or injury to persons or property;

D. The location, disposition or recovery of lost or stolen property;

E. Evidence to be used before a court, board, officer or investigative committee, including evidence derived through computer forensics; or

F. The detection of surreptitiously installed devices designed for eavesdropping or observation, or both, for video and audio devices.

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

## **32 §8103-A. BOARD OF LICENSURE OF PROFESSIONAL INVESTIGATORS**

1. **Establishment.** The Board of Licensure of Professional Investigators, referred to in this chapter as "the board," is established pursuant to Title 5, section 12004-G, subsection 29-D to administer the provisions of this chapter to protect the public by improving the standards relative to the practice of private investigation and to protect the public from unqualified practitioners.

2. **Duties.** The board has the following powers and duties:

- A. To provide advice regarding rules proposed by the chief;
- B. At the request of the chief, to review written examinations for professional investigator applicants;
- C. At the request of the chief, to advise the chief on granting, suspending and revoking the licenses of professional investigators;
- D. To establish standards governing the safety and conduct of persons licensed under this chapter;
- E. To recommend investigations regarding alleged violations of the provisions of this chapter and any rules adopted by the chief; and
- F. To provide information to the chief on any matter as the board determines appropriate or necessary.

3. **Members.** The board consists of 7 members who must be residents of the State and are appointed by the Governor as follows:

- A. Two members of the State Police recommended by the chief;
- B. One member recommended by the Attorney General;
- C. Three members of the public, with no more than 2 holding a license under this chapter, to be appointed to reflect a wide diversity of private investigation experience. At least one member must be chosen for the member's expertise in operating a private investigation company in this State and must have a minimum of 5 years of experience as a licensed private investigator; and
- D. One administrator from a local or county law enforcement agency.

4. **Terms; removal.** Terms of the members of the board are for 3 years. The terms are governed by Title 10, section 8009. Members may be removed by the Governor for cause.

5. **Meetings; chair; quorum.** The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. Four members of the board constitute a quorum.

## **32 §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.

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;

B. [2011, c. 366, §19 (RP).]

C. A person employed to inquire into the fitness of an applicant for employment with that person's employer;

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;

E. An insurance company investigating the personal habits and financial responsibility of applicants for insurance or indemnity bonds;

F. An attorney admitted to practice law in the State acting in a professional capacity;

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;

H. An insurance adjuster , or an employee investigating claims for or against the employee's employer;

I. A person engaged in compiling genealogical information or otherwise tracing lineage or ancestry, by primarily using public records and historical information or databases;

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;

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;

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

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.

### **32 §8105. PRIVATE INVESTIGATOR'S LICENSE QUALIFICATIONS**

A person is qualified to be licensed as a professional investigator who:

1. **Age.** Is at least 21 years of age;

2. **Citizenship.** Is a citizen or resident alien of the United States;

3. **Graduation.** Is a graduate of an accredited high school or has been granted high school equivalency status by the State;

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 4012, subsection 1;
- B. Records provided by the Department of Health and Human Services regarding the failure of the applicant to meet child or family support obligations;
- C. Records of 3 or more convictions of the applicant for Class D or E crimes;
- D. Records of 3 or more civil violations by the applicant; or
- 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;

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

- A. The applicant's full name;
- B. The applicant's full current residential address and the applicant's residential addresses during the previous 5 years;
- C. The applicant's date and place of birth, height, weight and color of eyes;
- 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
- 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 marijuana 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?

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.

6. **Military discharge.** Has not been dishonorably discharged from military service;

7. **Employment.** [ 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;

B. Has been employed for a minimum of 3 years as a member of an investigative service of the United States or 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;

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;

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

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

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.

### **32 §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.

### **32 §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:

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;

2. **Knowledge of applicant.** That the reputable citizen has personally known the applicant for at least 3 years;

3. **Relation to applicant.** That the reputable citizen is not related to the applicant by blood or marriage;

4. **Character of applicant.** That the applicant is honest and of good moral character; and

5. **Truth of statements in application.** That the reputable citizen has read the application and believes each statement in it to be true.

### **32 §8108. APPLICANT WITH OUT-OF-STATE LICENSE (REPEALED)**

### **32 §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.

### **32 §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.

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.

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.

4. **Sponsor.** An investigative assistant may engage in the business of private investigating only when sponsored by a professional investigator licensed under this chapter.

### **32 §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:

1. **Limit on number of investigative assistants.** No more than one investigative assistant is employed at one time; and

2. **Investigative assistant to be licensed.** The investigative assistant is licensed under this chapter.

### **32 §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
- B. Providing specific training in areas determined by the chief by rule.

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.

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.

### **32 §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.

2. **Form of a bond.** Each bond must:

- A. Be in a form prescribed by the chief;
- B. Be executed by the licensee as principal and by a surety company authorized to do business in this State as surety; and
- 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.

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.

### **32 §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.

### **32 §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:

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;

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;

3. **Violation of chapter or rule.** Any violation of this chapter or any rule adopted by the chief;

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;

5. **Failure to maintain bond and insurance.** Failure to maintain a bond and insurance as required by section 8111;

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

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;

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;

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; or

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.

10. **Misstatement.** Intentionally or knowingly making a material misstatement in filing an application for a license or renewal of a license;

11. **Violation of standards of acceptable professional conduct.** A violation of the standards of acceptable professional conduct adopted by rule by the chief; or

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.

The chief may reconsider, modify or reverse probation, suspension or other disciplinary action.

### **32 §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 firearm.

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.

3. **Suspension in effect during pendency.** A suspension remains in effect until the entry of judgment if charges are filed of violating Title 17-, 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.

### **32 §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.

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;
- B. Falsely represents that the person is the holder of a valid license;
- C. Falsely represents that any person in the person's employ is a professional investigator or investigative assistant; or
- D. Makes any false statements or material omission in any application filed with the chief.

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;
- 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

C. Fails or refuses to surrender the professional investigator's license to the chief following revocation or suspension.

**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.

**4. Failure of assistant to return equipment.**

**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;

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;

C. Interferes with or prevents lawful and peaceful picketing during strikes;

D. Interferes with, restrains or coerces employees in the exercise of their right to form, join or assist any labor organization of their choosing;

E. Interferes with or hinders lawful or peaceful collective bargaining between employers and employees;

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;

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;

H. Furnishes armed guards upon the highways for persons involved in labor disputes;

I. Furnishes or offers to furnish to employers or their agents any arms, munitions, tear gas implements or any other weapons;

J. Sends letters or literature to employers offering to eliminate labor unions; or

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.

### **32 §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.

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.

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.

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.

### **32 §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.

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.

### **32 §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.

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.

3. **Rules.** The chief with the advice of the board 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.

### **32 §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.

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.

3. **Expenses.** The fees required under this chapter must be applied to the expense of administering this chapter.

### **32 §8118. APPLICATION OF ADMINISTRATIVE PROCEDURE ACT**

The Maine Administrative Procedure Act, Title 5, chapter 375, shall govern all administrative actions taken under this chapter.

### **32 §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.

### **32 §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.

### **32 §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.



### **32 §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.

### **32 §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.

### **32 §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 by the board 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.

## **Other Relevant Statutes**

### **M.R.S. 17-A §453. Unsworn falsification**

1. A person is guilty of unsworn falsification if:

A. He makes a written false statement which he does not believe to be true, on or pursuant to, a form conspicuously bearing notification authorized by statute or regulation to the effect that false statements made therein are punishable;

B. With the intent to deceive a public servant in the performance of his official duties, he

(1) makes any written false statement which he does not believe to be true, provided, however, that this subsection does not apply in the case of a written false statement made to a law enforcement officer by a person then in official custody and suspected of having committed a crime, except as provided in paragraph C; or

(2) knowingly creates, or attempts to create, a false impression in a written application for any pecuniary or other benefit by omitting information necessary to prevent statements therein from being misleading; or

(3) submits or invites reliance on any sample, specimen, map, boundary mark or other object which he knows to be false; or

C. With the intent to conceal his identity from a law enforcement officer while under arrest for a crime, after having been warned that it is a crime to give false information concerning identity, he gives false information concerning his name or date of birth, including, but not limited to, a signature.

2. Unsworn falsification is a Class D crime.

### **M.R.S. 17-A §1057. Possession of firearms in an establishment licensed for on-premises consumption of liquor (CONFLICT)**

**1.** A person is guilty of criminal possession of a firearm if:

A. Not being a law enforcement officer or a professional investigator licensed under Title 32, chapter 89 and actually performing as a professional investigator, the person possesses any firearm on the premises of a licensed establishment posted to prohibit or restrict the possession of firearms in a manner reasonably likely to come to the attention of patrons, in violation of the posted prohibition or restriction; or [2011, c. 366, §2 (AMD).]

B. While under the influence of intoxicating liquor or drugs or a combination of liquor and drugs or with an excessive alcohol level, the person possesses a firearm in a licensed establishment.

**2.** For the purposes of this section, "licensed establishment" means a licensed establishment as defined by Title 28-A, section 2, subsection 15, the license for which is held by an on-premise retail licensee, as defined by Title 28-A, section 2, subsection 27, paragraph B. For the purposes of this section, "premises" has the same meaning as set forth in Title 28-A, section 2, subsection 24.

**3.** (CONFLICT: Text as amended by PL 2011, c. 298, §2) It is not a defense to a prosecution under subsection 1 that the person holds a permit to carry a concealed handgun issued under Title 25, chapter 252.

**3.** (CONFLICT: Text as repealed by PL 2011, c. 394, §2) [ 2011, c. 394, §2 (RP) .]

**4.** A law enforcement officer who has probable cause to believe that a person has violated subsection 1, paragraph B, may require that person to submit to chemical testing to determine an alcohol level or drug concentration. If the court is satisfied that the law enforcement officer had probable cause to believe that the defendant was in violation of subsection 1, paragraph B, and that the person was informed of the requirement to submit to chemical testing, the person's failure to comply with the requirement to submit to chemical testing is admissible evidence on the issue of whether that person was under the influence of intoxicating liquor or drugs.

**5.** (CONFLICT: Text as amended by PL 2011, c. 298, §3) For purposes of this section, "under the influence of intoxicating liquor or drugs or a combination of liquor and drugs or with an excessive alcohol level" has the same meaning as "under the influence of intoxicants" as defined in Title 29-A, section 2401, subsection 13. "Excessive alcohol level" means an alcohol level of 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath. Standards, tests and procedures applicable in determining whether a person is under the influence or has an excessive alcohol level within the meaning of this section are those applicable pursuant to Title 29-A, sections 2411 and 2431; except that the suspension of a permit to carry concealed handguns issued pursuant to Title 25, chapter 252, or of the authority of a private investigator licensed to carry a concealed handgun pursuant to Title 32, chapter 89, is as provided in those chapters.

**5.** (CONFLICT: Text as amended by PL 2011, c. 366, §3) For purposes of this section, "under the influence of intoxicating liquor or drugs or a combination of liquor and drugs or with an excessive alcohol level" has the same meaning as "under the influence of intoxicants" as defined in Title 29-A, section 2401, subsection 13. "Excessive alcohol level" means an alcohol level of 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath. Standards, tests and procedures applicable in determining whether a person is under the influence or has an excessive alcohol level within the meaning of this section are those applicable pursuant to Title 29-A, sections 2411 and 2431; except that the suspension of a permit to carry concealed firearms issued pursuant to Title 25, chapter 252, or of the authority of a professional investigator licensed to carry a concealed firearm pursuant to Title 32, chapter 89, is as provided in those chapters.

**6.** Criminal possession of a firearm is a Class D crime. In addition, as part of every judgment of conviction and sentence imposed, the court shall:

A. Revoke any permit to carry a concealed firearm issued to the person so convicted; and

B. If the person so convicted is licensed as a professional investigator, suspend for a period of 5 years that person's permit to carry a concealed firearm.

A person convicted of a violation of this section is not eligible to obtain or apply for a permit to carry a concealed firearm for 5 years from the date of that conviction.

**M.R.S. 29-A Chapter 19:** Rules of the road. Sections 2051-2311 [*BE FAMILIAR WITH*]**M.R.S. 29-A §105. Enforcement**

**1. Authority to stop motor vehicle.** If a law enforcement officer has reasonable and articulable suspicion to believe that a violation of law has taken or is taking place, that officer, if the officer is in uniform, may stop a motor vehicle for the purpose of:

A. Arresting the operator for a criminal violation; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Issuing the appropriate written process for a criminal or civil violation or a traffic infraction; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. Questioning the operator or occupants. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1995, c. 368, Pt. AAA, §1 (AMD) .]

**2. Scope of inspection.** A law enforcement officer who has stopped a motor vehicle pursuant to subsection 1 may demand and inspect the driver's license, certificate of registration, permits and the identification numbers of the motor vehicle. A state police officer who is trained pursuant to the motor carrier safety rules of the motor carrier safety regulations of the United States Department of Transportation may demand and inspect the driver's record of duty status and medical examiner's certificate, if applicable.

[ 2001, c. 360, §2 (AMD) .]

**3. Impoundment.** When a motor vehicle is operated by a person not able to produce a certificate of registration, or by a person other than the person in whose name the vehicle is registered and the operator is unable to present reasonable evidence of authority to operate that vehicle, an officer may impound and hold that vehicle until that vehicle is claimed by the registered owner or until the registered owner verifies the authority of the operator. The registered owner must be notified immediately of the impoundment.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Violation.** A person is guilty of a Class E crime if a law enforcement officer has probable cause to believe the person violated or is violating this Title and the person intentionally fails or refuses upon request to give the person's correct name, address or date of birth to a law enforcement officer.

[ 2003, c. 657, §12 (AMD) .]

**M.R.S. 29-A §256. Federal Driver's Privacy Protection Act of 1994**

The Secretary of State shall comply with the provisions of Title 18, United States Code, Chapter 123 in disclosing records. [1995, c. 645, Pt. B, §6 (NEW); 1995, c. 645, Pt. B, §24 (AFF).]

**M.R.S. 12 §11212. Motor vehicles and motorboats**

**1. Prohibition.** The following provisions apply to shooting from a motor vehicle or motorboat or possessing a loaded firearm or a crossbow in a motor vehicle.

A. A person may not shoot while in or on a motor vehicle or motorboat or while in or on a trailer or other type of vehicle being hauled by a motor vehicle except:

(1) A person may hunt migratory waterfowl from a motorboat in accordance with federal regulations;

(2) Paraplegics and single or double amputees of the legs may shoot from motor vehicles that are not in motion; and

(3) A person may shoot from a motorboat if that boat is not being propelled by its motor. [2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §142 (AMD); 2003, c. 655, Pt. B, §422 (AFF).]

B. A person may not, while in or on a motor vehicle or in or on a trailer or other type of vehicle being hauled by a motor vehicle, have a cocked and armed crossbow or a firearm with a cartridge or shell in the chamber or in an attached magazine, clip or cylinder or a muzzle-loading firearm charged with powder, lead and a primed ignition device or mechanism, except that a person who has a valid Maine permit to carry a concealed weapon may have in or on a motor vehicle or trailer a loaded pistol or revolver covered by that permit. [2005, c. 477, §9 (AMD).]

C. A person may not possess a wild animal or wild bird taken in violation of paragraph A or B, except as otherwise provided in this Part. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

[ 2005, c. 477, §9 (AMD) .]

**2. Penalty.** A person who violates subsection 1 commits a Class E crime.

### **M.R.S. 14 §705. Civil process served on Sunday void; officer liable**

*(REPEALED)*

### **M.R.S. 15 Chapter 102: Interception of Wire and Oral Communications [BE FAMILIAR WITH]**

### **M.R.S. 15 §393. Possession of firearms prohibited for certain persons**

**1. Possession prohibited.** A person may not own, possess or have under that person's control a firearm, unless that person has obtained a permit under this section, if that person:

A. [2001, c. 549, §2 (RP).]

A-1. Has been convicted of committing or found not criminally responsible by reason of insanity of committing:

(1) A crime in this State that is punishable by imprisonment for a term of 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 any other 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;

(4) A crime under the laws of any other 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

(5) A crime under the laws of the United States, this State or any other state or the Passamaquoddy Tribe or Penobscot Nation in a proceeding in which the prosecuting authority was required to plead and prove that the person committed the crime with the use of:

(a) A firearm against a person; or

(b) Any other dangerous weapon; [2007, c. 194, §1 (AMD).]

B. [2001, c. 549, §2 (RP).]

C. Has been adjudicated in this State or under the laws of the United States or any other state to have engaged in conduct as a juvenile that, if committed by an adult, would have been a disqualifying conviction:

(1) Under paragraph A-1, subparagraphs (1) to (4) and bodily injury to another person was threatened or resulted; or

(3) Under paragraph A-1, subparagraph (5); [2007, c. 670, §4 (AMD).]

D. Is subject to an order of a court of the United States or a state, territory, commonwealth or tribe that restrains that person from harassing, stalking or threatening an intimate partner, as defined in 18 United States Code, Section 921(a), of that person or a child of the intimate partner of that person, or from engaging in other conduct that would place the intimate partner in reasonable fear of bodily injury to the intimate partner or the child, except that this paragraph applies only to a court order that was issued after a hearing for which that person received actual notice and at which that person had the opportunity to participate and that:

(1) Includes a finding that the person represents a credible threat to the physical safety of an intimate partner or a child; or

(2) By its terms, explicitly prohibits the use, attempted use or threatened use of physical force against an intimate partner or a child that would reasonably be expected to cause bodily injury; or [2007, c. 670, §5 (AMD).]

E. Has been:

(1) Committed involuntarily to a hospital pursuant to an order of the District Court under Title 34-B, section 3864 because the person was found to present a likelihood of serious harm, as defined under Title 34-B, section 3801, subsection 4-A, paragraphs A to C;

(2) Found not criminally responsible by reason of insanity with respect to a criminal charge; or

(3) Found not competent to stand trial with respect to a criminal charge. [2009, c. 651, §1 (AMD).]

For the purposes of this subsection, a person is deemed to have been convicted upon the acceptance of a plea of guilty or nolo contendere or a verdict or finding of guilty, or of the equivalent in a juvenile case, by a court of competent jurisdiction.

In the case of a deferred disposition, unless the person is alleged to have committed one or more of the offenses listed in section 1023, subsection 4, paragraph B-1, a person is deemed to have been convicted when the court imposes the sentence. In the case of a deferred disposition for a person alleged to have committed one or more of the offenses listed in section 1023, subsection 4, paragraph B-1, that person may not possess a firearm beginning at the start of the deferred disposition period.

For the purposes of this subsection, a person is deemed to have been found not criminally responsible by reason of insanity upon the acceptance of a plea of not criminally responsible by reason of insanity or a verdict or finding of not criminally responsible by reason of insanity, or of the equivalent in a juvenile case, by a court of competent jurisdiction.

[ 2013, c. 519, §1 (AMD) .]

**1-A. Limited prohibition for nonviolent juvenile offenses.** A person who has been adjudicated in this State or under the laws of the United States or any other state to have engaged in conduct as a juvenile that, if committed by an adult, would have been a disqualifying conviction under subsection 1, paragraph A-1 but is not an adjudication under subsection 1, paragraph C may not own or have in that person's possession or control a firearm for a period of 3 years following completion of any disposition imposed or until that person reaches 18 years of age, whichever is later.

[ 2007, c. 194, §2 (AMD) .]

**2. Application after 5 years.** A person subject to the provisions of subsection 1, paragraph A-1 or C as a result of a conviction or adjudication may, after the expiration of 5 years from the date that the person is finally discharged from the sentences imposed as a result of the conviction or adjudication, apply to the commissioner for a permit to carry a firearm subject to subsection 4. That

person may not be issued a permit to carry a concealed handgun pursuant to Title 25, chapter 252. A permit issued pursuant to this subsection is valid for 4 years from the date of issue unless sooner revoked for cause by the commissioner. For purposes of this subsection, "firearm" does not include a firearm defined under 18 United States Code, Section 921(3).

[ 2013, c. 424, Pt. A, §5 (AMD) .]

**3. Contents.** An application under subsection 2 must be on a form prepared by the Commissioner of Public Safety. The application must include the following: the applicant's full name; all aliases; date and place of birth; place of legal residence; occupation; make, model and serial number of the firearm sought to be possessed; date, place and nature of conviction; sentence imposed; place of incarceration; name and address of probation or parole officer; date of discharge or release from prison or jail or termination of probation, supervised release for sex offenders, parole or administrative release; the reason for the request; and any other information determined by the commissioner to be of assistance. The application must be accompanied by certified or attested copies of the indictment, information or complaint, judgment and commitment and discharge that are the subject of the conviction.

[ 2007, c. 194, §4 (AMD) .]

**4. Notification, objection and decision.** Upon receipt of an application, the commissioner shall determine if the application is in proper form. If the application is proper, the commissioner shall within 30 days notify in writing the sentencing or presiding judge, the Attorney General, the district attorney for the county where the applicant resides, the district attorney for the county where the conviction occurred, the law enforcement agency that investigated the crime, the chief of police and sheriff in the municipality and county where the crime occurred and the chief of police and sheriff in the municipality where the applicant resides as of the filing of the application. The commissioner may direct any appropriate investigation to be carried out.

A. If, within 30 days of the sending of notice, a person notified objects in writing to the commissioner regarding the initial issuance of a permit and provides the reason for the objection, the commissioner may not issue a permit. The reason for the objection must be communicated in writing to the commissioner in order for it to be the sole basis for denial. [2009, c. 503, §2 (NEW).]

B. If, within 30 days of the sending of notice, a person notified objects in writing, including the reason for the objection, to the commissioner regarding a 2nd or subsequent issuance of a permit, the commissioner shall take the objection and its reason into consideration when determining whether to issue a 2nd or subsequent permit to the applicant, but need not deny the issuance of a permit based on an objection alone. [2009, c. 503, §2 (NEW).]

The commissioner may deny any application for a permit even if no objection is filed.

[ 2009, c. 503, §2 (AMD) .]

**4-A. Application for relief.** Except as otherwise provided, a person subject to the federal prohibition against possession of firearms pursuant to 18 United States Code, Section 922(g)(4) as a result of being adjudicated a mental defective may, after the expiration of 5 years from the date of final discharge from commitment, apply to the commissioner for relief from the disability.

Relief is not available under this subsection for a person found not criminally responsible by reason of insanity or incompetent to stand trial in a criminal case or a person adjudged by a Probate Court to lack the capacity to contract or manage the person's own affairs.

A. An application under this subsection must be on a form developed by the commissioner. The application must include the applicant's full name; all aliases; date and place of birth; place of legal residence; occupation; make and model of the firearm sought to be possessed; reason for the request; date, place and docket number of commitment; name of institution to which applicant was committed; names of providers that provided mental health treatment for the applicant; date of discharge from commitment; release for all mental health records; and any other information determined by the commissioner to be of assistance. The application must be accompanied by certified or attested copies of the commitment from which the applicant seeks relief and the report of an independent psychologist or psychiatrist licensed to practice in this State specifically

addressing the factors set forth in paragraph E. The commissioner may establish a roster of psychologists and psychiatrists qualified and interested in doing these evaluations. The psychologist or psychiatrist must be available for cross-examination. The psychologist or psychiatrist listed on the roster is an employee for the purposes of the Maine Tort Claims Act for evaluations under this paragraph. [2007, c. 670, §9 (NEW); 2007, c. 670, §24 (AFF).]

B. The commissioner has the independent authority to establish the following, to be paid by the applicant:

(1) Application fee; and

(2) Fees for evaluations required by paragraph A. [2007, c. 670, §9 (NEW); 2007, c. 670, §24 (AFF).]

C. Upon receipt of a completed application, the commissioner shall notify persons who received notice of the commitment pursuant to Title 34-B, section 3864, subsection 3, paragraph A, subparagraph (2) and the district attorney, chief of police and sheriff in the municipality and county where the applicant resides of the filing of the application, with a request to provide to the commissioner any information relevant to the factors in paragraph E. [2007, c. 670, §9 (NEW); 2007, c. 670, §24 (AFF).]

D. Upon receipt of a completed application, the commissioner shall review the application and determine whether the person has made a prima facie showing of the elements of paragraph E. If the commissioner determines that the person has made a prima facie showing, the commissioner shall schedule a hearing. [2007, c. 670, §9 (NEW); 2007, c. 670, §24 (AFF).]

E. The burden of proof is on the applicant to prove, by clear and convincing evidence, that the circumstances that led to the involuntary commitment to a hospital have changed, that the applicant is not likely to act in a manner dangerous to public safety and that granting the application for relief will not be contrary to the public interest. [2007, c. 670, §9 (NEW); 2007, c. 670, §24 (AFF).]

F. If the commissioner finds by clear and convincing evidence that the circumstances that led to the involuntary commitment have changed, that the applicant is not likely to act in a manner dangerous to public safety and that granting the application for relief will not be contrary to the public interest, the commissioner may grant relief. [2007, c. 670, §9 (NEW); 2007, c. 670, §24 (AFF).]

G. Notwithstanding any other provision of law, and except as indicated in this paragraph, all applications for relief pursuant to this subsection and documents made a part of the application, refusals and any information of record collected by the commissioner during the process of determining whether an applicant qualifies for relief are confidential and may not be made available for public inspection or copying unless:

(1) The applicant waives this confidentiality in writing or on the record of any hearing; or

(2) A court of record so orders. Proceedings relating to the grant or denial of relief are not public proceedings under Title 1, chapter 13.

The commissioner shall make a permanent record, in the form of a summary, of the final decision regarding each application. The summary must include the name of the applicant and indicate whether the application for relief was granted or denied. The information contained in this summary is available for public inspection. [2007, c. 670, §9 (NEW); 2007, c. 670, §24 (AFF).]

H. An applicant may appeal the denial of an application for relief under this subsection within 30 days of receipt of the written notice of decision by filing a complaint in the District Court for de novo review in the district where the Department of Public Safety has its principal office. Hearings are closed unless otherwise agreed to by the applicant. A party aggrieved by a decision of the District Court may not appeal as of right. The time for taking the appeal and the manner and any conditions for the taking of the appeal are as the Supreme Judicial Court provides by rule. [2007, c. 670, §9 (NEW); 2007, c. 670, §24 (AFF).]

[ 2011, c. 541, §1 (AMD) .]

**5. Appeal.** Any person to whom a permit under subsection 2 has been denied may file a petition for review pursuant to Title 5, chapter 375, subchapter 7.

[ 2007, c. 670, §10 (AMD) .]

**6. Filing fee.** The commissioner may establish a reasonable filing fee not to exceed \$25 to defray costs of processing applications.

[ 1977, c. 225, §2 (NEW) .]

**7. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Firearm" has the same meaning as in Title 17-A, section 2, subsection 12-A. [2001, c. 549, §4 (NEW).]

B. "Not criminally responsible by reason of insanity" has the same meaning as used in section 103 and any comparable finding under the laws of the United States or any other state. [2005, c. 527, §4 (AMD).]

C. "State" means the State of Maine and "state" means any other state of the United States and includes the District of Columbia, the Commonwealth of Puerto Rico and the possessions of the United States. [2001, c. 549, §4 (NEW).]

D. "Use of a dangerous weapon" has the same meaning as in Title 17-A, section 2, subsection 9, paragraph A. [2001, c. 549, §4 (NEW).]

E. "Commissioner" means the Commissioner of Public Safety or the commissioner's designee. [2007, c. 670, §11 (NEW).]

[ 2007, c. 670, §11 (AMD) .]

**8. Penalty.** A violation of subsection 1, paragraph A-1 or C is a Class C crime. A violation of subsection 1, paragraph D or E is a Class D crime. A violation of subsection 1-A by a person at least 18 years of age is a Class C crime.

[ 2007, c. 670, §12 (AMD) .]

**9. Prima facie evidence.** Notwithstanding any other law or rule of evidence, a copy of a court abstract provided by a court to the Department of Public Safety, State Bureau of Identification pursuant to Title 34-B, section 3864, subsection 12, if certified by the custodian of the records of that bureau, or the custodian's designee, is admissible in a criminal prosecution brought pursuant to this section as prima facie evidence that the person identified in the abstract has been involuntarily committed by the court issuing the abstract and has been provided the notice required in Title 34-B, section 3864, subsection 5, paragraph A-1 and Title 34-B, section 3864, subsection 13.

[ 2007, c. 670, §13 (NEW) .]

**10. Subpoena power.** The commissioner is authorized to issue a subpoena in the name of the commissioner in accordance with Title 5, section 9060, except that this authority applies to any stage of an investigation under this section and is not limited to an adjudicatory hearing. If a witness refuses to obey a subpoena or to give any evidence relevant to proper inquiry by the commissioner, 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 court 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.

[ 2007, c. 670, §14 (NEW) .]

**11. Rules.** The commissioner may adopt rules to implement the provisions of subsections 2 to 4-A. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

**M.R.S. 16 Chapter 7: Criminal History Record Information Act [BE FAMILIAR WITH]**



**M.R.S. 16 Chapter 9:** Intelligence and Investigative Record Information Act *[BE FAMILIAR WITH]*

**18 U.S. Code §930:** Possession of firearms and dangerous weapons in Federal facilities *[BE FAMILIAR WITH]*

**M.R.S. 20-A §6552. Firearms**

**1. Prohibition.** A person may not possess a firearm on public school property or the property of an approved private school or discharge a firearm within 500 feet of public school property or the property of an approved private school.

[ 2009, c. 614, §2 (AMD) .]

**2. Exceptions.** The provisions under subsection 1 do not apply to the following.

A. The prohibition on the possession and discharge of a firearm does not apply to law enforcement officials. [2009, c. 614, §3 (RPR).]

B. The prohibition on the possession of a firearm does not apply to the following persons, if the possession is authorized by a written policy adopted by the school board:

(1) A person who possesses an unloaded firearm for use in a supervised educational program approved and authorized by the school board and for which the school board has adopted appropriate safeguards to ensure student safety; and

(2) A person who possesses an unloaded firearm that is stored inside a locked vehicle in a closed container, a zipped case or a locked firearms rack while the person is attending a hunter's breakfast or similar event that:

(a) Is held during an open firearm season established under Title 12, Part 13 for any species of wild bird or wild animal;

(b) Takes place outside of regular school hours; and

(c) Is authorized by the school board. [2009, c. 614, §3 (RPR).]

C. The prohibition on possession and discharge of a firearm does not apply to a person possessing a firearm at a school-operated gun range or a person discharging a firearm as part of a school-sanctioned program at a school-operated gun range if the gun range and the program are authorized by a written policy adopted by the school's governing body. [2009, c. 614, §3 (NEW).]

[ 2009, c. 614, §3 (RPR) .]

**3. Penalty.** A person who violates this section is guilty of a Class E crime.

**M.R.S. 25 Chapter 252:** Permits to carry concealed handguns *[BE FAMILIAR WITH]*

**M.R.S. 25 Chapter 41:** Capital Area Security Rules *[BE FAMILIAR WITH]*

**M.R.S. 33 Chapter 41:** Uniform Unclaimed Property Act *[BE FAMILIAR WITH]*

**M.R.S. 33 Chapter 43:** Placement of Equipment on Private Property *[BE FAMILIAR WITH]*

**Federal and State Firearms related statutes** *[BE FAMILIAR WITH]*

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