

§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).

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