

MAINE STATE LEGISLATURE

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10/19/94

L.D. 1324

DATE: 3/22/94

(Filing No. S- 487)

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STATE OF MAINE
SENATE
116TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 415, L.D. 1324, Bill, "An Act to Create Statewide Arrest Powers for Municipal Law Enforcement Officers"

Amend the amendment by inserting after the title the following:

'Amend the bill by striking out the title and substituting the following:

'An Act to Create Statewide Arrest Powers for Municipal and County Law Enforcement Officers'

Further amend the amendment in the first indented paragraph in the first line (page 1, line 23 in amendment) by striking out the following: "Amend" and inserting in its place the following: 'Further amend'

Further amend the amendment by inserting before section 1 the following:

'Sec. 1. 30-A MRSA §405 is enacted to read:

§405. Optional arrest powers

1. Optional powers. The county commissioners may authorize a county's sheriff and certified, full-time deputy sheriffs to perform any of the following acts while outside the jurisdiction in which they are appointed:

A. Arrest without a warrant a person who has committed or is committing in the sheriff's or deputy sheriff's presence a Class A, B or C crime defined in Title 17-A, chapters 9, 11, 13, 17, 27 or 33 while the sheriff or deputy sheriff is on or off duty; or

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2 B. Arrest without a warrant a person for a crime committed
4 in the county in which the sheriff or deputy sheriff is
6 appointed:

8 (1) If that county authorizes the sheriff or deputy
10 sheriffs it appoints to make arrests under this
12 paragraph:

14 (2) If the arrest is made as part of an ongoing
16 criminal investigation made by a sheriff or deputy
18 sheriff while on duty and assigned to the investigation:

20 (3) If the law enforcement agency of a foreign
22 municipality in which the arrest is to be made is
24 notified in advance; and

26 (4) If the arrest is authorized by Title 17-A, section
28 15, subsection 1, paragraph A.


30 As used in this subsection, the phrase "committed or is
32 committing in the sheriff's or deputy sheriff's presence" has the
34 same meaning as provided in Title 17-A, section 15, subsection 2.

36 2. Liability. When a county sheriff or deputy sheriff
38 makes an arrest, as authorized in subsection 1, outside of
40 jurisdictional limits of the county in which the sheriff or
42 deputy sheriff is appointed, that sheriff or deputy sheriff has
44 the same immunity from tort liability and all of the pension,
46 relief, disability, worker's compensation, insurance and any
48 other benefits the sheriff or deputy sheriff enjoys while
50 performing duties within the sheriff or deputy sheriff's
52 appointing county.'

Further amend the amendment by renumbering the sections to read consecutively.

STATEMENT OF FACT

This amendment extends the authority granted to municipal officers with respect to optional powers for municipal police officers to county commissioners with respect to optional powers for sheriffs and certain deputy sheriffs.

SPONSORED BY: 
(Senator HALL)

COUNTY: Piscataquis