

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 469

H.P. 361

House of Representatives, February 4, 2003

An Act To Clarify Arrest Powers of Law Enforcement Officers

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative GERZOFKY of Brunswick.
Cosponsored by Senator STRIMLING of Cumberland and
Representatives: BLANCHETTE of Bangor, BUNKER of Kossuth Township, CHURCHILL
of Washburn, COURTNEY of Sanford, GREELEY of Levant, LESSARD of Topsham,
SNOWE-MELLO of Poland, Senator: MAYO of Sagadahoc.

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

4 **Sec. 1. 17-A MRSA §15, sub-§3** is enacted to read:

6 3. For purposes of subsection 1, a law enforcement officer
8 has no authority beyond the limits of the municipality or county
in which the officer is appointed unless the officer has met the
requirements of Title 25, section 2804-C.

10 **Sec. 2. 30-A MRSA §290, sub-§2**, as enacted by PL 2001, c. 686,
12 Pt. C, §1, is amended to read:

14 **2. Powers.** An investigator has the statutory powers of a
16 deputy sheriff in the county in which the investigator is
appointed. An investigator's powers may include those under
sections section 404 and-405.

18 **Sec. 3. 30-A MRSA §405**, as enacted by PL 1993, c. 594, §1, is
20 repealed.

22 **Sec. 4. 30-A MRSA §406** is enacted to read:

24 **§406. Arrest outside jurisdictional limits; liability**

26 When a county sheriff or deputy sheriff makes an arrest
outside of jurisdictional limits of the county in which the
sheriff or deputy sheriff is appointed, that sheriff or deputy
sheriff has the same immunity from tort liability and all of the
pension, relief, disability, workers' compensation, insurance and
any other benefits the sheriff or deputy sheriff enjoys while
performing duties within the sheriff's or the deputy sheriff's
appointing county.

34 **Sec. 5. 30-A MRSA §2671, sub-§2**, as amended by PL 1989, c.
36 104, Pt. A, §23 and Pt. D, §6, is further amended to read:

38 **2. Powers.** Police officers may serve criminal and traffic
40 infraction processes and arrest and prosecute offenders of the
law. A police officer has all the statutory powers of a
constable, unless limited by charter or ordinance. ~~No~~ A police
42 officer has ~~any~~ no authority in criminal or traffic infraction
44 matters beyond the limits of the municipality in which the
officer is appointed, except as provided in Title 17-A, section
15, and except to:

46 A. Recapture a prisoner whom the officer has arrested and
48 who has escaped;

B. Take a person before the District Court;

2 C. Execute a mittimus given to the officer by the District
Court;

4
6 D. Pursue a person who has gone into another municipality
and for whose arrest the officer has a warrant;

8 E. Arrest a person who travels beyond the limits of the
municipality in which the officer is appointed when in fresh
10 pursuit of that person. This paragraph applies to all
crimes and traffic infractions. As used in this paragraph:

12 (1) With respect to Class A, Class B and Class C
14 crimes, the term "fresh pursuit" is defined in Title
15, section 152; and

16 (2) With respect to Class D and Class E crimes and
18 traffic infractions, "fresh pursuit" means instant
pursuit of a person with intent to apprehend; or

20 F. As provided for in section 2674.

22 **Sec. 6. 30-A MRSA §2671, sub-§2-A,** as enacted by PL 1993, c.
24 594, §2, is repealed.

26 **Sec. 7. 30-A MRSA §2671, sub-§2-B,** as enacted by PL 1993, c.
594, §2, is amended to read:

28 **2-B. Liability.** When a municipal police officer makes an
30 arrest, ~~as authorized in subsection 2-A,~~ outside of
jurisdictional limits of the municipality in which the police
32 officer is appointed, that police officer has the same immunity
from tort liability and all of the pension, relief, disability,
34 ~~worker's~~ workers' compensation, insurance and any other benefits
the police officer enjoys while performing duties within the
36 police officer's appointing municipality.

38

SUMMARY

40

This bill clarifies that the arrest powers of a law
42 enforcement officer are limited to the powers authorized by the
municipality or county in which the officer is appointed unless
44 the officer meets the law enforcement training requirements of
the Maine Revised Statutes, Title 25, section 2804-C.

46