

MAINE STATE LEGISLATURE

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April 6, 1939

To Lieut. Laurence C. Upton, Maine State Police
Re: Arrests and Warrants

. . . I am pleased to inform you that it appears to me that Therriault v. Breton, 114 Mr. 137, conclusively answers your question, for in that case you will notice that the court said:

"The law is well settled that an officer may arrest upon reasonable grounds of suspicion that a felony has been committed and that the person arrested was guilty of the felony, and hold the party arrested for a reasonable time until he can procure a warrant to investigate the case, and if, within a reasonable time before he does procure the warrant, his suspicions vanish, or, in other words, if his investigation shows that there is not reasonable ground to believe that the party arrested has committed a felony, then he may discharge him without taking him before the court, and not be liable."

The court further says that in case officers arrest a person for a misdemeanor, then it would be their duty to procure a warrant within a reasonable time after the alleged offense and take him before the court and place him on trial, and for neglect to do so would have been liable in damages, unless the person arrested released him from that obligation by waiving their rights to be taken before the court. . . .

Sanford L. Fogg
Deputy Attorney General

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