

MAINE STATE LEGISLATURE

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July 6, 1945

Stuart C. Burgess, Esq.
County Attorney
Rockland, Maine

I received your letter of June 29th stating that you have had two or three instances in Rockland where police officers have shot automobiles that were being driven by operators under the influence of intoxicating liquor. I note in your letter that you question the right of a police officer to shoot, in the case of a misdemeanor.

I find no provision of statute for officers' shooting at persons who, they think, are committing a misdemeanor, because if it should develop that such persons were found not guilty of driving under the influence of intoxicating liquor, I believe the parties shot at would have a suit for damages against the officers. Of course, the officers have the right to stop automobiles, where they have reason to believe that said motor vehicles were being operated by persons who were under the influence of intoxicating liquor. I think you should, as county attorney, advise the officers not to do any shooting unless the operator or the passengers in the car have committed a felony in their presence and are making their escape. . . .

Ralph W. Farris
Attorney General

RWF:c