

# MAINE STATE LEGISLATURE

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January 10, 1952

To Honorable James E. Totman, House of Representatives  
Re: Powers of Private Citizen in Speeding Cases

I have talked over with Paul MacDonald and Alec LaFleur the matter we discussed yesterday. Both join me in the feeling that. . . as a private citizen, you certainly have a right to complain against another for a motor vehicle violation by him. I agree with you, the important element is proof of such violation. However, we feel that under the so-called "Law of the Road" theory, only a policeman would have the right to exceed the speed limit himself in order to obtain proof of another's violation. We do not feel that this right is extended to any private citizen. Since only a police officer has this right, in case of any violation it would be wise to call an officer immediately.

Of course, a private citizen can complain and it is a question of fact whether his testimony would convict the man.

This would seem to be the story. We realize the practical problem of acquiring proof in these cases; but, to avoid possible prosecution himself, I feel that he would have to take a chance on his testimony alone to convict the wrongdoer. Any other course of action might subject any private citizen to future prosecution.

. . . .

Herbert H. Sawyer  
Assistant Attorney General