

# 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)

**This document is from the files of the Office of  
the Maine Attorney General as transferred to  
the Maine State Law and Legislative Reference  
Library on January 19, 2022**

yes  
E

March 20, 1953

To Col. Francis J. McCabe, Chief, Maine State Police  
Re: Out-of-State Residents Arrested for Speeding

We have your memo of March 17, 1953, in which you relate the following facts and ask with respect to them whether or not an arrest for a misdemeanor can legally be made after a lapse of time such as occurred in this instance:-

"One of the officers in this troop stopped a resident of Canada for speeding. His intent was to obtain an immediate trial for this out-of-state resident. He asked the operator to drive a matter of a few miles to the nearest municipal court. Upon arriving in the city he found that both the Judge and the Recorder were out of town. The officer then informed the driver involved that he would have to place him under arrest and have him obtain bail, which was done.

"The question has now come up as to whether or not the arrest was legal, since the officer did not inform the person involved until about 20 minutes after the offense occurred even though he was constantly within the officer's sight while driving to the court room."

There is no doubt that legally and morally an arresting officer is bound to act promptly at the time of the offense and would not be justified in permitting any time to intervene between the time of the offense and the time of the arrest which might not be interpreted to be a continued attempt on the part of the officer to make the arrest.

Under the factual situation outlined above, it is our opinion that the arrest could be legally made.

James Glynn Frost  
Deputy Attorney General

jgf/c

See 4 Am. Jur., page 46.