

MAINE STATE LEGISLATURE

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October 12, 1956

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To Sgt. William P. Hancock, Maine State Police School
Re: Problem of Arrest

Today you discussed with me over the telephone a situation with regard to the right of a local official to arrest on a warrant issued by a municipal court in another county.

On checking the statute which apparently covers said situation, we find Section 199 of Chapter 89, R.S. 1954, a copy of which is enclosed for your benefit. You will note here that the legislature has given specific authority for a sheriff, his deputy, or any constable to go outside his jurisdiction with a criminal warrant to apprehend the accused in any other county and to arrest and return him to the county where the act complained of was committed. This statute is probably the one that the court has in mind when it directs a warrant to the sheriff or his deputy or a constable in any of the towns within the county.

The statute further says that, except for the purposes above mentioned, the purposes of retaking a prisoner who has escaped, for the purpose of executing a mittimus, a constable or a city marshal has no authority over criminal matters beyond the limits of the town or city in which he is elected or chosen.

Taking this entire statute into consideration, undoubtedly the constable or city marshal could not exercise arresting powers in his city or town and attempt to return the criminal to the other county.

As above stated, there is ample authority for the constable, sheriff or deputy to go into the other county to arrest and return, and therefore the problem is not one which cannot be readily solved.

Roger A. Putnam
Assistant Attorney General

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