

MAINE STATE LEGISLATURE

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September 26, 1961

Kenneth T. Northrup, Business Manager

Boys Training Center

Courtland D. Perry, IIA Ass't. Atty. Gen'l.

Mental Health and Corrections

Rules and Regulations - Public Ways and Parking Areas

After considering your rules and regulations adopted pursuant to Chapter 164, P.L. '61, I have come to the following conclusion.

³⁴⁻⁹¹⁻⁹⁶
A provision relating to the search of motor vehicles is not properly included in the rules and regulations in question. These rules and regulations should be limited to the movement and parking of motor vehicles. Your employees serving in the capacity of special police officers do not have the authority to search motor vehicles unless such officers also serve in the capacity of Deputy Sheriff's and then only upon probable cause. Probable cause encompasses more than good faith and mere suspicion. A definition which I feel may be used as a guide is taken from 'Stacey v. Emery, 97 U.S., 642 at 645, as follows:

"Probable cause exists if the facts and circumstances known to the officer warrant a prudent man in believing that the offense has been committed."

Due to the mobile nature of a motor vehicle search as defined above may be made without a warrant.

With reference to the last statement in your rules and regulations as submitted, penalties for violations thereof are provided for in the statute .

CDP/ems