

MAINE STATE LEGISLATURE

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October 17, 1963

Col. Robert Marx, Chief

State Police

George C. West, Deputy

Attorney General

False Alarm to Fire, Police, or Other Municipal Department

FACTS:

Revised Statutes 1954, chapter 136, section 16 provides:

"Whoever calls out any fire department, police department or other municipal department or any portion or persons thereof, by intentionally giving a false alarm or call to such department, or to any officer or member thereof by means of any telephone line or lines, or knowingly and willfully gives or causes to be given by any other means a false alarm of fire in any city, town or village corporation maintaining any organized fire department, when such offense is of a high and aggravated nature, shall be deemed guilty of a felony and on conviction thereof shall be punished by a fine of not more than \$500 or by imprisonment for not more than 2 years; but when such offense is not of a high and aggravated nature, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than \$100 or by imprisonment for not more than 11 months. Trial justices shall have jurisdiction of all prosecutions for misdemeanors under the provisions of this section and they may try and punish by a fine of not more than \$50 or by imprisonment for not more than 2 months, or by both such fine and imprisonment."

QUESTION:

Do State Police officers fall within the meaning of "police department" as used in the above-quoted statute?

ANSWER: No.

REASONS:

A similar question arose in several Superior Courts relative to chapter 130, section 22-A, the so-called bomb hoax law. The justices hearing the cases ruled the law not applicable to sheriffs and their deputies.

The words "other municipal department" are the reason for this ruling. The word "other" obviously refers back to "fire department, (and) police department." Hence, this section can only refer to municipal police department.

We would recommend an amendment of the nature of P.L. 1963, chapter 70, to this law.

George C. West
Deputy Attorney General

GCW:H