

# MAINE STATE LEGISLATURE

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# STATE OF MAINE

Inter-Departmental Memorandum Date August 2, 1974

To Col. Donald E. Nichols, Chief

Dept. State Police

From Jon A. Lund, Attorney General

Dept. Attorney General

Subject Minimum Age of Police Officers

AN INFORMAL OPINION

## SYLLABUS:

Were the minimal age requirements for service in the Maine State Police lowered to eighteen (18), an individual could enlist in the Maine State Police at age eighteen (18) without suffering any legal impairment of his capacity to act.

## FACTS:

The regulations promulgated by the Chief of the Maine State Police under 25 M.R.S.A. §1501 set the minimal age for enlistment at twenty-one (21) years of age.

## QUESTIONS/ANSWERS:

1. Were the minimum age for enlistment in the Maine State Police lowered to eighteen (18) years of age, would an enlistee aged 18, 19 or 20 exercise the same powers of arrest as an enlistee 21 and older? YES.

2. Were the minimum age for enlistment in the Maine State Police lowered to eighteen (18) years of age, would an enlistee aged 18, 19 or 20 be able to exercise all other legal powers and duties of an enlistee 21 and older? YES.

## REASONS:

The anti-discrimination section of the Civil Service Act, 5 M.R.S.A. §553, when read in conjunction with the new definition of majority, 1 M.R.S.A. §§72, 73 requires that individuals in age groups 18-20 be given equal consideration for employment by state agencies unless discrimination can be justified on the basis of a bonafide occupational qualification.

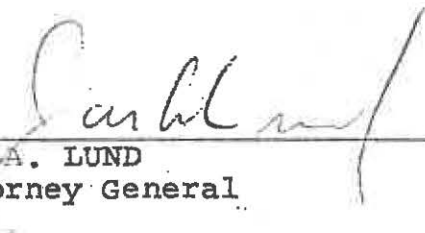
I have found no laws which would restrict the 18, 19 and 20 year old State policeman in the exercise of his duties. Rules pertaining to conducting searches, serving subpoenas and issuing summons contain no limitations on this age group.

The power of arrest for an eighteen year old trooper would be the same as that for any other trooper. 25 M.R.S.A. §1502 cloaks the state police officer with the same arrest powers as that possessed by the sheriffs in their "respective counties."

15 M.R.S.A. §704 gives sheriffs and other police officers a general power of arrest and places no limitations on the competency of an officer to arrest on the basis of age.

The only statute requiring any police official to be over the age of eighteen is 30 M.R.S.A. §952 which requires that special deputies be "more than eighteen years of age". This section, however, has absolutely no effect on the competency of an eighteen year old Maine State trooper.

On the civil side, the eighteen year old officer's exposure to liability would be the same as the older officers. 1 M.R.S.A. §§ 72 and 73.



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JON A. LUND  
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JAL/kc/RSR