

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1208

H. P. 887

House of Representatives, February 26, 1971

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Stillings of Berwick.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Relating to Jurisdiction of Municipal Police Officers in Fresh Pursuit.

Be it enacted by the People of the State of Maine, as follows:

R. S., T. 30, § 2402-A, additional. Title 30 of the Revised Statutes is amended by adding a new section 2402-A to read as follows:

§ 2402-A. Arrest in other municipalities

Every municipal police officer in fresh pursuit of a person who travels beyond the limits of the municipality in which the officer is appointed shall have the same power to arrest such person as the officer has within the said municipality. This section shall apply to both felonies and misdemeanors.

With respect to felonies, the term "fresh pursuit" as used in this section shall be as defined in Title 15, section 152; with respect to misdemeanors "fresh pursuit" shall mean instant pursuit of a person with intent to apprehend.

STATEMENT OF FACT

Existing law provides for fresh pursuit in the case of felons crossing state lines. Fresh pursuit within the State in the case of fleeing felons is covered by common law. The law makes no provision for fresh pursuit in the case of misdemeanors when the authority of the police officer is limited to within a municipality.

This new section would authorize municipal police officers to pursue an offender across a town or city line for the purpose of apprehending the offender provided the pursuit is immediate and without delay.

Maine courts have ruled that a municipal police officer is powerless to arrest a misdemeanant once the offender has passed beyond the limits of the municipality in which the officer is appointed.