

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 735

H. P. 555

House of Representatives, February 8, 1973

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. Mills of Eastport.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to Jurisdiction of County Enforcement Officers in Fresh Pursuit.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment of the Legislature unless enacted as emergencies; and

Whereas, existing law provides for fresh pursuit in the case of felons crossing state or municipal lines; and

Whereas, fresh pursuit within the State in the cases of fleeing felons is covered by common law but the law makes no provision for fresh pursuit in the case of misdemeanors when the deputy sheriff is limited to within a county; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

R. S., T. 30, § 1004, additional. Title 30 of the Revised Statutes is amended by adding a new section 1004, to read as follows:

§ 1004. Arrest in other counties

Every sheriff or deputy sheriff in fresh pursuit of a person who travels beyond the limits of the county in which the officer is appointed shall have the

same power to arrest such person as the officer has within the said county. 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.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

The purpose of this bill is reflected in the emergency preamble.