

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

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Legislative Document

No. 909

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H. P. 704 House of Representatives, February 15, 1973  
Referred to Committee on State Government. Sent up for concurrence and  
ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. McKernan of Bangor.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

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**AN ACT Relating to Appointment of Municipal Law Enforcement Officers.**

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

Sec. 1. R. S., T. 30, c. 213, sub-c. III-A, additional. Chapter 213 of Title 30 of the Revised Statutes is amended by adding a new subchapter III-A to read as follows:

**SUBCHAPTER III-A**

**LAW ENFORCEMENT OFFICERS**

§ 2361. Police officers

1. **Appointment.** Except as provided in municipal charter or section 2317, subsection 1, paragraph F, the municipal officers may appoint for a definite term, control and fix the compensation of police officers, unless the municipality has provided otherwise under section 2152, subsection 2. Police officers may be removed for cause after notice and hearing.

2. **Powers.** Police officers shall be empowered to serve criminal processes and to arrest and prosecute offenders of the law. Except for the purpose of retaking a prisoner whom he has arrested and who has escaped, or for the purpose of taking a person before the District Court, or for the purpose of executing a mittimus given to him by such court, or for the purpose of pursuing a person who has gone into another municipality and for whose arrest a police officer has a warrant, no police officer shall have any authority in criminal matters beyond the limits of the municipality in which he is appointed. A police officer has all the statutory powers of a constable, except as limited by municipal ordinance.

**§ 2362. Special police officers**

Special police officers of limited jurisdiction may be appointed for a term of not more than one year and as provided in section 2361, subsection 1 and shall have all powers of a police officer, except as specifically provided by municipal ordinance or the certificate of appointment.

**§ 2363. Constables**

Constables shall be appointed in the same manner as special police officers and shall have only those powers expressly provided by statute, except as limited by municipal ordinance. Persons injured by the neglect or misdoings of a constable have the same remedy by preliminary action, and action of his bond, as in case of a sheriff's bond. For services which may be performed either by a deputy sheriff or a constable, the constable is allowed the same fees as a deputy sheriff, unless otherwise provided.

**§ 2364. Arrest in other municipalities**

Every municipal law enforcement 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.

Sec. 2. R. S., T. 30, §§ 2401 - 2404, repealed. Sections 2401, 2402, and 2402-A as enacted by chapter 243 of the public laws of 1971, and sections 2403 and 2404 of Title 30 of the Revised Statutes are repealed.

**STATEMENT OF FACT**

The purpose of this bill redefines the appointment and powers of municipal law enforcement officers. It also creates special police officers of limited jurisdiction.