

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1582

S.P. 530

In Senate, May 15, 1987

Submitted by the Department of Corrections pursuant to  
Joint Rule 24.

Reference to the Committee on Legal Affairs suggested and  
ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator WHITMORE of Androscoggin.

Cosponsored by Representative STROUT of Corinth,  
Representative MANNING of Portland, Representative CARROLL of  
Gray.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT to Clarify the Powers of Arrest of a  
Probation and Parole Officer.

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

Sec. 1. 34-A MRSA §5404, sub-§2, as enacted by  
PL 1983, c. 459, §6, is amended to read:

2. Arrest. Arrest in the following circum-  
stances:

A. Arrest and return probation and parole viola-  
tors upon request of the chief administrative of-  
ficer of a correctional facility; and

B. Arrest and return to a correctional facility  
persons released from the correctional facility  
under section 3035; and

1 C. If the officer has probable cause to believe  
2 that a person under the supervision of the Divi-  
3 sion of Probation and Parole has violated a con-  
4 dition of his probation or parole, he may arrest  
5 that person.

6 **Sec. 2. 17-A MRSA §1205, sub-§1, as repealed and**  
7 **replaced by PL 1977, c. 510, §71, is amended to read:**

8 1. If a probation officer has probable cause to  
9 believe that a person under ~~his~~ the supervision of  
10 the Division of Probation and Parole has violated a  
11 condition of his probation, he may arrest such person  
12 or he may deliver a summons to such person ordering  
13 him to appear for a court hearing on the alleged vio-  
14 lation. If the probation officer cannot, with due  
15 diligence, locate the person in order to arrest him  
16 or serve a summons on him, he shall file a written  
17 notice of this fact with the court which placed the  
18 person on probation.

19 STATEMENT OF FACT

20 The current law governing the powers of arrest of  
21 a probation and parole officer are defined, in part,  
22 under the Maine Revised Statutes, Titles 17-A and  
23 34-A. This creates confusion when probation and pa-  
24 role officers arrest violators and attempt to have  
25 the courts revoke their probation.

26 This bill clarifies the arrest powers of proba-  
27 tion and parole officers. This does not change the  
28 powers of arrest of these officers.

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