

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1420

H.P. 1019

House of Representatives, May 2, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

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

A handwritten signature in cursive script that reads 'Ed Pert'.

EDWIN H. PERT, Clerk

Presented by Representative FARNUM of South Berwick.

Cosponsored by Senator CARPENTER of York, Representative MURPHY of Berwick and Representative PLOURDE of Biddeford.

STATE OF MAINE

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

**An Act to Clarify that Municipal Police Officers Need Not Be
Residents of the State.**

(AFTER DEADLINE)

(EMERGENCY)



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

5 Whereas, there is currently some ambiguity in the law
concerning the residency requirement for police officers; and

7
9 Whereas, this uncertainty must be clarified immediately to
ensure public safety; and

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

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

19 **Sec. 1. 30-A MRSa §2671, sub-§1, ¶C is enacted to read:**

21 C. Notwithstanding section 2526, residency in the State is
23 not a condition of initial or continued appointment as a
municipal police officer.

25 **Sec. 2. 30-A MRSa §2676 is enacted to read:**

27 §2676. Interstate police assistance

29 The authority of any duly authorized police officer of a
31 municipality located near the border of a neighboring state shall
33 extend to any other municipality in the other state also located
35 near the border, provided that the chief law enforcement officer
of the requesting municipality has executed with the chief law
enforcement officer of the responding municipality a written
agreement which sets forth the terms and conditions under which
assistance may be requested or rendered.

37 The executed agreement shall constitute authorization for
39 every request for assistance, and for any assistance rendered in
41 accordance with the terms and conditions of the written
43 agreement, regardless of whether the responding police officer is
45 named in the agreement. In an emergency situation, the ranking
on-duty law enforcement officer of the requesting municipality is
authorized to make an oral request for assistance to the ranking
on-duty law enforcement officer in the responding municipality,
47 subject to the terms and conditions of the written agreement, and
the authority of the responding police officer shall extend to
the requesting municipality.

49 The written agreement shall remain in full force and effect
51 until terminated by the mutual consent of the chief law
enforcement officers in each municipality or until 10 days after

1 the chief law enforcement officer of one municipality has
3 received notification from the chief law enforcement officer of
the other municipality of that officer's intentions to terminate.

5 **Sec. 3. Application.** Nothing in this Act may be construed to
7 invalidate any official act performed prior to the effective date
of this Act by any law enforcement officer in the course and
scope of that officer's employment.

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

13

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STATEMENT OF FACT

17 This bill would clarify that a municipal police officer need
19 not be a resident of the State as a condition of either initial
or continued appointment. Some confusion has developed as to
21 whether or not residency in the State is a qualification for
appointment as a police officer and this bill would eliminate
23 that confusion. The bill also specifically authorizes assistance
agreements between Maine municipalities and out-of-state
municipalities.