

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 829

H.P. 578

House of Representatives, February 26, 1991

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative SWAZEY of Bucksport.

Cosponsored by Senator MILLS of Oxford, Representative PINEAU of Jay and Representative COTE of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Amend the Law Dealing with Foot Pursuit.



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

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17-A MRSA §18 is enacted to read:

§18. Stop by law enforcement officer

1. If a law enforcement officer is in uniform and has probable cause to believe that a violation of law has taken or is taking place, the law enforcement officer may, at any time, stop a person for the purpose of:

A. In the case of a criminal violation, arresting the person;

B. In the case of a criminal or civil violation, issuing the appropriate written process; or

C. Questioning the person.

2. Any person who intentionally or knowingly fails or refuses to stop upon request or signal of any uniformed law enforcement officer is guilty of failing to stop for a law enforcement officer.

3. Failing to stop for a law enforcement officer is a Class E crime.

STATEMENT OF FACT

The purpose of this bill is to give law enforcement officers the same ability to stop and question subjects when on foot as when the subject is in a vehicle. Under the Maine Revised Statutes, Title 29, section 2501, law enforcement officers have the power to stop a motor vehicle if they have probable cause to believe that a violation of law has occurred or is occurring. The officers can then question the occupants in the vehicle and take whatever further action is appropriate, including arresting persons or issuing summons. Failure or refusal to stop a vehicle is a Class E crime.

This bill adds provisions to the Criminal Code tracking the motor vehicle provisions. The law enforcement officer must be in uniform and must have probable cause to stop a person not in a motor vehicle. Intentionally or knowingly failing or refusing to stop for an officer is a Class E crime.