

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 1293

H.P. 896

House of Representatives, March 27, 1991

Reference to the Committee on Judiciary suggested and ordered printed.

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

EDWIN H. PERT, Clerk

Presented by Representative ANTHONY of South Portland.

Cosponsored by Senator CONLEY of Cumberland and Representative PARADIS of Augusta.

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STATE OF MAINE

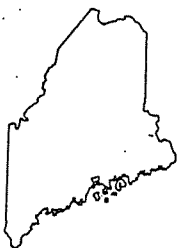
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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**An Act to Clarify the Authority of Law Enforcement Officers to Release  
Certain Arrested Individuals on Their Personal Recognizance.**

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

4 15 MRSA §1025, as amended by PL 1989, c. 704, §3, is  
further amended to read:

6 **§1025. Law enforcement officers**

8 A law enforcement officer may, without fee, take the  
personal recognizance of any defendant for appearance on a charge  
10 of a Class D or Class E crime. If authorized, a law enforcement  
officer may, without fee, take the personal recognizance with  
12 deposit in accordance with Title 12, section 7053, subsection 2,  
paragraph C and Title 12, section 9707. The law enforcement  
14 officer's authority under this section continues as long as the  
arrestee remains in the officer's custody.

16  
18 **STATEMENT OF FACT**

20 This bill makes clear that a law enforcement officer's  
authority to release individuals arrested for minor crimes on  
22 their personal recognizance and to take cash deposit when  
authorized by the Maine Revised Statutes, Title 12 is not limited  
24 to the place of arrest as some judges have suggested. Arrested  
individuals may need to be transported away from the scene for  
26 chemical testing in OUI cases or for photographing and  
fingerprinting in other cases. Neither the officer nor the  
28 individual is served by requiring an arrested individual whom the  
officer would release on personal recognizance to go to jail or  
30 to pay a bail commissioner solely because, for one or more  
legitimate reasons, they left the location where the arrest took  
32 place.