

# MAINE STATE LEGISLATURE

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LEGAL AFFAIRS

Reported by: Senator Handy of Androscoggin

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STATE OF MAINE  
SENATE  
116TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT " A" to S.P. 415, L.D. 1324, Bill, "An Act to Create Statewide Arrest Powers for Municipal Law Enforcement Officers"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 30-A MRSA §2671, sub-§§2-A and 2-B are enacted to read:

2-A. Optional powers. Notwithstanding subsection 2, municipal officers may authorize a municipality's police officers to perform any of the following acts while the police officers are outside the jurisdiction in which they are appointed:

A. Arrest without a warrant a person who has committed in the officer's presence or is committing in the officer's presence a Class A, B or C crime defined in Title 17-A, chapters 9, 11, 13, 17, 27 or 33 while the officer is on or off duty; or

B. Arrest without a warrant a person for a crime committed in the municipality in which the officer is appointed:

(1) If that municipality authorizes the officers it appoints to make arrests under this paragraph;

(2) If the arrest is made as part of an ongoing criminal investigation made by an officer while on duty and assigned to the investigation;

**COMMITTEE AMENDMENT**

2           (3) If the law enforcement agency of a foreign  
          municipality in which the arrest is to be made is  
4           notified in advance; and

6           (4) If the arrest is authorized by Title 17-A, section  
          15, subsection 1, paragraph A.

8           As used in this subsection the phrase "committed in the officer's  
          presence or is committing in the officer's presence" has the same  
10          meaning as provided in Title 17-A, section 15, subsection 2.

12          2-B. Liability. When a municipal police officer makes an  
          arrest, as authorized in subsection 2-A, outside of  
14          jurisdictional limits of the municipality in which the police  
          officer is appointed, that police officer has the same immunity  
16          from tort liability and all of the pension, relief, disability,  
          worker's compensation, insurance and any other benefits the  
18          police officer enjoys while performing duties within the police  
          officer's appointing municipality.'

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**STATEMENT OF FACT**

24           This amendment gives a municipality the ability to grant its  
          police officers, while either on or off duty, the authority to  
26           make warrantless arrests for serious victim crimes that occur in  
          the police officers' presence and while the police officers are  
28           outside the municipality in which they are appointed. The  
          amendment also gives a municipality the option to authorize its  
30           police officers, while on duty and as part of an ongoing criminal  
          investigation being conducted respecting a crime committed in  
32           that municipality, to make warrantless arrests while outside the  
          municipality in which they are appointed to the extent that those  
34           arrests would be authorized by the Maine Revised Statutes, Title  
          17-A, section 15 and when notice is given to the municipality in  
36           which the arrest is to be made.

38           The amendment also clarifies that municipal police officers  
          who are acting in the scope of duty, including acting outside  
40           their appointed jurisdictions if authorized by their  
          municipalities, are treated the same for purposes of immunity,  
42           pension, workers' compensation, insurance and any other benefits  
          as if they were acting in their own jurisdictions.

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