

MAINE STATE LEGISLATURE

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2008

L.D. 469

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CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 361, L.D. 469, Bill, "An Act To Clarify Arrest Powers of Law Enforcement Officers"

Amend the bill by striking out the title and substituting the following:

'An Act To Enhance the Powers of Law Enforcement Officers Authorized To Make Out-of-county or Out-of-municipality Arrests'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 30-A MRSA §405, sub-§1, as enacted by PL 1993, c. 594, §1, is repealed.

Sec. 2. 30-A MRSA §405, sub-§1-A is enacted to read:

1-A. Optional powers. The county commissioners may authorize a county's sheriff and certified full-time deputy sheriffs who have met the requirements of Title 25, section 2804-C to perform any of the acts described in Title 17-A, section 15 while outside the jurisdiction in which they are appointed if, when possible, the law enforcement agency of a foreign municipality in which the arrest is to be made is notified in advance or, when not possible, the law enforcement agency of the foreign municipality in which the arrest has been made is notified immediately after the arrest.

COMMITTEE AMENDMENT

2058

2 **Sec. 3. 30-A MRSA §405, sub-§2**, as enacted by PL 1993, c. 594,
§1, is amended to read:

4
6 **2. Liability.** When a county sheriff or deputy sheriff
8 makes an arrest, as authorized in subsection 1 1-A, outside of
10 jurisdictional limits of the county in which the sheriff or
12 deputy sheriff is appointed, that sheriff or deputy sheriff has
the same immunity from tort liability and all of the pension,
relief, disability, worker's compensation, insurance and any
other benefits the sheriff or deputy sheriff enjoys while
performing duties within the sheriff or deputy sheriff's
appointing county.

14 **Sec. 4. 30-A MRSA §2671, sub-§2-A**, as enacted by PL 1993, c.
16 594, §2, is amended to read:

18 **2-A. Optional powers.** Notwithstanding subsection 2,
municipal officers may authorize a municipality's police officers
20 who have met the requirements of Title 25, section 2804-C to
22 perform any of the following acts described in Title 17-A,
24 section 15 while the police officers are outside the jurisdiction
26 in which they are appointed if, when possible, the law
enforcement agency of a foreign municipality in which the arrest
is to be made is notified in advance or, when not possible, the
law enforcement agency of the foreign municipality in which the
arrest has been made is notified immediately after the arrest.*

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

36 ~~B. -- Arrest without a warrant a person for a crime committed~~
~~in the municipality in which the officer is appointed*~~

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

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

44 ~~(3) -- If the law enforcement agency of a foreign~~
46 ~~municipality in which the arrest is to be made is~~
~~notified in advance; and~~

48 ~~(4) -- If the arrest is authorized by Title 17-A, section~~
50 ~~15, subsection 1, paragraph A.~~

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

6 **Sec. 5. P&SL 1865, c. 532, §8-A, first ¶**, as repealed and replaced
7 by PL 1991, c. 548, Pt. A, §36, is amended to read:

8
9 The trustees of the University of Maine System, or such
10 administrators of the University of Maine System as the trustees
11 may designate for this purpose, may appoint persons to act as
12 police officers who, within the limits of the property owned by
13 or under the control of the University of Maine System, possess
14 all of the powers of police officers in criminal cases and civil
15 violations. The trustees of the University of Maine System may
16 authorize the University of Maine System's full-time police
17 officers who have met the requirements of the Maine Revised
18 Statutes, Title 25, section 2804-C to perform any of the acts
19 described in Title 17-A, section 15 while outside the limits of
20 the property owned by or under control of the University of Maine
21 System if, when possible, the law enforcement agency of a foreign
22 municipality in which the arrest is to be made is notified in
23 advance or, when not possible, the law enforcement agency of the
24 foreign municipality in which the arrest has been made is
25 notified immediately after the arrest. When a University of
26 Maine System police officer makes an arrest outside the limits of
27 the property owned by or under control of the University of Maine
28 System as authorized in this section, that police officer has the
29 same immunity from tort liability and all of the pension, relief,
30 disability, workers' compensation, insurance and any other
31 benefits the police officer enjoys while performing duties within
32 the limits of the property owned by or under control of the
33 University of Maine System.'

36 **SUMMARY**

- 38 This amendment replaces the bill. The amendment:
- 39 1. Retains the authority of counties and municipalities to
40 determine whether their officers are empowered to make
41 out-of-county or out-of-municipality arrests;
 - 42 2. Limits who may exercise these powers to only those
43 officers who meet the training requirements of the Maine Revised
44 Statutes, Title 25, section 2804-C;
 - 45 3. Expands these arrest powers for officers who meet the
46 training requirements to include all powers listed in Title 17-A,
47 section 15;

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2 4. Retains liability protection for officers with these
arrest powers under the county or municipality of their
4 appointment;

6 5. Retains the duty of these officers to notify the county
or municipality in which they are making the arrest that the
8 arrest will be or has been made; and

10 6. Authorizes the trustees of the University of Maine
System to empower the university system's full-time police
12 officers to make arrests described in Title 17-A, section 15
outside university property, subject to the same training
14 requirements, liability protection and notification requirements
governing counties and municipalities for this purpose.