

MAINE STATE LEGISLATURE

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(NEW DRAFT)

EIGHTY-SECOND LEGISLATURE

S. P. No. 566

S. D. No. 236

In Senate, March 20, 1925.

Reported by Senator Hinckley from Committee on Judiciary
and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-FIVE

AN ACT to Enlarge the Powers of the State Highway Police,
and to Confer upon the Secretary of State Jurisdiction to
Suspend or Revoke Registration of Motor Vehicles and
Operators' Licenses.

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

Section 1. The governor, with the advice and consent of
2 the council, shall appoint a chief of the state highway po-
3 lice, to serve during their pleasure. The chief shall be the
4 executive head of the state highway police and shall exe-
5 cute the duties of his office under the direction and sub-
6 ject to the approval of the governor and council. The gov-
7 ernor, with the advice and consent of the council, upon

8 recommendation of the chief of the state highway police,
9 may appoint suitable persons as members of the state high-
10 way police to enforce the provisions of this act, who shall
11 hold office during the pleasure of said chief. Subject to
12 the approval of the governor and council, the chief may
13 designate a member of the state highway police to act as
14 his deputy.

Sect. 2. The specific duties of the state highway police
2 shall be to patrol the state highways and other important
3 ways, especially outside the compact portion of cities and
4 towns, for the purpose of enforcing the provisions of this
5 act and all laws relating to motor driven and horse drawn
6 vehicles and all rules and regulations in regard thereto,
7 and of arresting all violators thereof and prosecuting all
8 offenders against the same. The chief and members of
9 the state highway police shall have the same power to serve
10 criminal processes against such offenders as sheriffs and
11 also the same power as sheriffs have to arrest without war-
12 rant and detain persons found violating or attempting to
13 violate any other penal law of the state until a legal war-
14 rant can be obtained. They shall immediately report by
15 telephone or other expeditious means to the proper author-
16 ities all information and complaints by them received con-
17 cerning the commission of any crime, and shall have the
18 same rights as sheriffs to require aid in executing the du-
19 ties of their office. They may serve any subpoenas, notices
20 and processes issued by the secretary of state or the state

21 highway commission under authority of this act or chapter
22 two hundred and eleven of the public laws of nineteen hun-
23 dred and twenty-one and acts amendatory thereof. They
24 shall also at all times be subject to the call of the governor
25 for emergency purposes at his discretion.

The state highway police, sheriffs and deputy sheriffs, con-
2 stables, city marshals and deputy marshals and police offi-
3 cers of cities and towns shall so far as possible cooperate
4 in the detection of crime, the arrest and prosecution of crim-
5 inals, and the preservation of law and order throughout the
6 state.

Sect. 3. Members of the state highway police shall be
2 provided at the expense of the state with a distinctive uni-
3 form and badge, and with suitable equipment, including
4 motorcycles for use when requisite to the performance of
5 their official duties, all of which shall remain the property
6 of the state. When on duty to enforce the laws of the road,
7 and at such other times as the chief may require, state high-
8 way policemen shall be in uniform. They shall hold no other
9 office during their term of service.

Sect. 4. Members of the state highway police may be
2 designated and assigned to special duty as inspectors to en-
3 force the laws, rules and regulations relating to the regis-
4 tration of motor vehicles and the licensing of operators of
5 motor vehicles; but assignment to special duty shall not af-
6 fect their powers as state highway police. Such inspectors
7 shall cooperate with and assist the secretary of state in the

8 collection of fees and penalties due the state under the laws
9 relating to the registration of motor vehicles and the li-
10 censing of operators of such vehicles. They shall also aid
11 the state highway commission in the enforcement of its rules
12 and orders and permits pertaining to the use of highways.

Sect. 5. The governor and council shall determine the
2 salary of the chief and the compensation of the other mem-
3 bers of the state highway police. Before entering upon
4 the duties of their office they shall be sworn and shall give
5 bond to the treasurer of state with surety, or sureties ap-
6 proved by the treasurer of state, conditioned for the faith-
7 ful performance of the duties of their office, as follows:
8 The chief shall give bond in the sum of five thousand dol-
9 lars and each of the other members in the sum of two thou-
10 sand dollars. No inspector or member of the state high-
11 way police shall receive any fee as a complainant or wit-
12 ness, or for making an arrest or for attendance at court,
13 but shall be reimbursed by the state for his actual costs of
14 arrest and actual expenses of travel and attendance. When-
15 ever any fines or penalties are imposed by any court in any
16 proceeding in which a member of the state highway police
17 is a complainant or a witness, said court may tax costs for
18 such complainant or witness in the usual manner. He shall
19 receipt for same when paid and immediately transmit it to
20 the chief, who shall pay forthwith the same to the treasurer
21 of state.

Sect. 6. All powers and duties now vested by statute in

2 the state highway commission pertaining to the registra-
3 tion and marking of vehicles, making and promulgating
4 rules and regulations as to lamps, lights and brakes, the
5 revocation or suspension of operators' licenses and the sus-
6 pension or revocation of registrations of motor vehicles,
7 including complaints, hearings and all matters set forth in
8 sections twenty-eight and thirty-five to forty-three inclusive,
9 of chapter two hundred and eleven of the public laws of
10 nineteen hundred and twenty-one as amended, concerning
11 the powers and duties of said state highway commission
12 with respect to such hearings, suspensions or revocations,
13 are hereby transferred to and imposed and conferred upon
14 the secretary of state; and wherever in said chapter the
15 words "the commission" are used respecting said transfer
16 of such powers and duties, said words shall mean the sec-
17 retary of state. All such proceedings, pending before the
18 state highway commission at the time this act takes effect,
19 shall be transferred to and reheard or decided by the sec-
20 retary of state as justice may require. All existing rules,
21 orders and decisions of the state highway commission made
22 in said matters and in force when this act takes effect shall
23 continue until modified or reversed by the secretary of state.
24 In the absence of the secretary of state his deputy may act
25 in any matter. The secretary of state shall have custody
26 and control of all dockets, papers, and records of the state
27 highway commission pertaining to said rules and the sus-
28 pension or revocation of said licenses and registrations.

Sect. 8. Section twenty-five, chapter two hundred and
2 eleven of the public laws of nineteen hundred and twenty-
3 one, is hereby repealed.

Sect. 9. All acts or parts of acts inconsistent herewith
2 are hereby repealed.