

MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

Senate Document

No. 154

S. P. 375

In Senate, Feb. 12, 1929.

Introduced by unanimous consent by Senator Slocum of Cumberland. Referred to Committee on Judiciary and 1000 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Slocum of Cumberland.

STATE OF MAINE

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

AN ACT Relating to the State Highway Police.

Whereas, the state highway police have been effective in the enforcement of all of the penal laws of the state of Maine; and

Whereas, the state highway police have been withdrawn from the active enforcement of the laws save those pertaining to motor vehicles; and

Whereas, if this act is obliged to take its regular course of awaiting ninety days after the adjournment of the legislature, the state of Maine will be deprived, during this period, of the active and efficient enforcement of any laws save those per-

taining to motor vehicles by a state police force, with the attendant endangering of the public peace and safety; and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of the constitution of the state of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now therefore

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

Amend chapter one hundred and forty-four, section one, 2 of the public laws of nineteen hundred and twenty-five by 3 striking out said section and inserting in place thereof the 4 following section:

‘Section 1. The governor, with the advice and consent of 2 the council, shall appoint a chief of state police, for a term 3 of four years, and shall determine the salary of said chief. 4 He shall give a bond of five thousand dollars to the state, 5 conditioned on the faithful performance of his duties. He 6 shall be the chief executive of the state police, and shall 7 be responsible and accountable for the state police force. 8 The chief of the state police may enlist for a term of three 9 years persons who have satisfactorily passed a physical and 10 mental examination, based on the requirements of the 11 United States army and navy. Each applicant must be a 12 citizen of the United States, of sound constitution, of good 13 moral character, and between the ages of twenty-one and 14 forty years. Members shall be eligible for re-enlistment,

15 unless removed for cause. Members may be removed for
16 cause after public hearing, upon ten days' written notice
17 of the charges. The chief is authorized to appoint a state
18 police force which shall consist of two captains, at a salary
19 of forty dollars each per week; four lieutenants, at a salary
20 of thirty-eight dollars each per week; ten sergeants, at a
21 salary of thirty-five dollars each per week; and not to ex-
22 ceed one hundred privates, at a salary of twenty-eight dol-
23 lars each per week. The members, other than the chief,
24 shall receive an increase of two dollars each per week after
25 one year's service, and an additional two dollars each per
26 week after two consecutive years' service, provided, how-
27 ever, that the maximum salary shall not increase over that
28 received after two years' service. Provided further, how-
29 ever, that nothing in this act shall operate to reduce the
30 salary of any member of the state highway police as at
31 present existing, who shall be inducted into the state police.
32 Before entering upon the duties of their offices, the chief
33 and members of the state police shall take and subscribe
34 to the oaths required by the constitution and laws of the
35 state of Maine to qualify them to enter upon the discharge
36 of their official duties. The chief and members of the state
37 police shall not engage in any political activity of any na-
38 ture, except the exercise of their personal right of suffrage;
39 and shall hold no other office during their term of service.'

Amend chapter one hundred and forty-four, section two,

2 of the public laws of nineteen hundred and twenty-five by
3 striking out said section and inserting in place thereof the
4 following section:

‘Sect. 2. The chief and members of the state police are
2 hereby invested with the same powers as sheriffs to serve
3 criminal processes, to investigate and prosecute violators of
4 any law of this state, and to arrest offenders thereof; pro-
5 vided, however, that they shall not serve civil process. In
6 addition to these powers and duties, the members of the
7 state police shall patrol the ways and areas outside those
8 areas having organized police protection, and they shall co-
9 operate, whenever possible, within such areas with the local
10 police forces upon request of the local authorities or county
11 officials. But nothing in this section shall be construed to
12 limit the powers of the state police within such areas.’

Amend chapter one hundred and forty-four, section three,
2 of the public laws of nineteen hundred and twenty-five by
3 striking out said section and inserting in place thereof the
4 following section:

‘Sect. 3. The members of the state police shall be pro-
2 vided, at the expense of the state, with a distinctive uni-
3 form and badge, and with suitable equipment and quarters
4 for the performance of their official duties, all of which
5 shall remain the property of the state. The members of
6 the state police shall be in uniform when on duty to enforce
7 the laws of the road, and at other times, except when other-
8 wise ordered by the chief.’

Amend chapter one hundred and forty-four, section four,
2 of the public laws of nineteen hundred and twenty-five by
3 striking out said section and inserting in place thereof the
4 following section :

‘Sect. 4. Members of the state police may be designated
2 and assigned at the request of the secretary of state to
3 special duty as inspectors to enforce the laws, rules and
4 regulations relating to the registration of motor vehicles
5 and the licensing of operators of motor vehicles ; but assign-
6 ment to special duty shall not affect their powers as state
7 police. Members of the state police, acting as inspectors.
8 shall receive the same salary as sergeants. Such inspectors
9 shall cooperate with and assist the secretary of state in the
10 collection of fees and penalties due the state under the
11 laws relating to the registration of motor vehicles and the
12 licensing of operators of such vehicles. They shall also aid
13 the state highway commission in the enforcement of its
14 rules, orders and permits pertaining to the use of highways.’

Amend chapter one hundred and forty-four, section five,
2 of the public laws of nineteen hundred and twenty-five by
3 striking out said section and inserting in place thereof the
4 following section :

‘Sect. 5. No member of the state police shall receive any
2 fee as a complainant or witness, or for making an arrest.
3 or for attendance at court, but shall be reimbursed by the
4 state for his actual costs of arrest and actual expenses of
5 travel and attendance. In all civil actions where a mem-

ber of the state police is called to give testimony acquired
in the performance of his official duties, the legal fees for
such attendance shall be paid to the treasurer of state.
Whenever any fines or penalties are imposed by any court
in any proceeding in which a member of the state police is
a complainant or a witness, said court may tax costs for
such complainant or witness in the usual manner, and the
court shall transmit same forthwith to the treasurer of state.'

Amend chapter one hundred and forty-four, section six,
2 of the public laws of nineteen hundred and twenty-five, by
3 striking out said section and inserting in place thereof the
4 following section:

'Sect. 6. The chief of the state police shall formulate
2 rules and regulations for the administration of the state
3 police, under the provisions of this act, and when approved
4 by the governor and council they shall have the full force
5 and effect of law.'

Amend chapter one hundred and forty-four, section seven,
2 of the public laws of nineteen hundred and twenty-five by
3 striking out said section and inserting in place thereof the
4 following section:

'Sect. 7. Payment for the expense of maintenance of the
2 state police shall be made from the mill tax highway fund,
3 created by section thirty-six of chapter two hundred and
4 fifty-eight of the public laws of nineteen hundred and sev-
5 enteen.'

Amend chapter one hundred and forty-four, section eight.

2 of the public laws of nineteen hundred and twenty-five by
3 striking out said section and inserting in place thereof the
4 following section:

‘Sect. 8. This act shall be known as “The Wadsworth
2 Act.”’

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

Amend chapter one hundred and forty-four, of the public
2 laws of nineteen hundred and twenty-five, by adding there-
3 to the following section:

‘Sect. 10. In view of the emergency cited in the preamble,
2 this act shall take effect when approved.’