

# MAINE STATE LEGISLATURE

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# E I G H T Y - E I G H T H   L E G I S L A T U R E

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**Legislative Document**

**No. 595**

S. P. 334

In Senate, February 16, 1937.

Referred to Committee on Judiciary and 500 copies ordered printed.  
Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Fernald of Waldo.

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## S T A T E   O F   M A I N E

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
THIRTY-SEVEN

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### **AN ACT to Make Uniform the Law on Fresh Pursuit and Authorizing This State to Cooperate with Other States Therein.**

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

**Sec. 1. Powers of another state's officers, in the state, regulated.**  
Any member of a duly organized state, county or municipal peace unit of another state of the United States who enters this state in fresh pursuit, and continues within this state in such fresh pursuit, of a person in order to arrest him on the ground that he is believed to have committed a felony in such other state, shall have the same authority to arrest and hold such person in custody, as has any member of any duly organized state, county or municipal peace unit of this state, to arrest and hold in custody a person on the ground that he is believed to have committed a felony in this state.

**Sec. 2. Powers of magistrate.** If an arrest is made in this state by an officer of another state in accordance with the provisions of section 1 of this act he shall without unnecessary delay take the person arrested before a magistrate of the county in which the arrest was made, who shall conduct a hearing for the purpose of determining the lawfulness of the arrest. If the magistrate determines that the arrest was lawful he shall

commit the person arrested to await for a reasonable time the issuance of an extradition warrant by the governor of this state. If the magistrate determines that the arrest was unlawful he shall discharge the person arrested.

**Sec. 3. Limiting clause.** Section 1 of this act shall not be construed so as to make unlawful any arrest in this state which would otherwise be lawful.

**Sec. 4. Definition.** For the purpose of this act the word "state" shall include the District of Columbia.

**Sec. 5. "Fresh pursuit" defined.** The term "fresh pursuit" as used in this act shall include fresh pursuit as defined by the common law, and also the pursuit of a person who has committed a felony or who is reasonably suspected of having committed a felony. It shall also include the pursuit of a person suspected of having committed a supposed felony, though no felony has actually been committed, if there is reasonable ground for believing that a felony has been committed. Fresh pursuit as used herein shall not necessarily imply instant pursuit, but pursuit without unreasonable delay.

**Sec. 6. Duties of secretary of state.** Upon this act becoming effective, without undue delay, the secretary of state shall certify a copy to the executive department of each of the states of the United States.

**Sec. 7. Saving clause.** If any part of this act is for any reason declared void, it is declared to be the intent of this act that such invalidity shall not affect the validity of the remaining portions of this act.

**Sec. 8. Title of act.** This act may be cited as the "Uniform Act on Fresh Pursuit."