

MAINE STATE LEGISLATURE

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

Legislative Document

No. 56

S. P. 92

In Senate, January 19, 1939.

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

ROYDEN V. BROWN, Secretary.

Presented by Senator Hill of Cumberland.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-NINE

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

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

Sec. 1. Arrest. Any member of a duly organized state, county or municipal police 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 police 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. Hearing. 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 extradi-

tion warrant by the governor of this state, or admit him to bail for such purpose. If the magistrate determines that the arrest was unlawful he shall discharge the person arrested.

Sec. 3. Exception. 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. Terms 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. Copies to be certified. Upon the passage and approval by the governor of this act it shall be the duty of the secretary of state to certify a copy of this act to the executive department of each of the states of the United States.

Sec. 7. Validating 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. This act may be cited as the "Uniform Act on Fresh Pursuit."