

MAINE STATE LEGISLATURE

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

Legislative Document

No. 549

S. P. 210

In Senate, February 10, 1959.

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

CHESTER T. WINSLOW, Secretary.

Presented by Senator Weeks of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

AN ACT Relating to Questioning and Detaining Criminal Suspects and Searching for Weapon.

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

R. S., c. 147, §§ 3-A-3-B, additional. Chapter 147 of the Revised Statutes is amended by adding two new sections 3-A and 3-B, to read as follows:

'Sec. 3-A. Questioning and detaining suspects. Any police officer, authorized by law to make arrests in a criminal case, may stop any person who he has reasonable ground to suspect is committing, has committed or is about to commit a crime, and may demand of him his name, address, business and where he is going.

Any person so questioned who fails to identify himself or explain his actions to the satisfaction of the police officer may be detained and further questioned and investigated.

The total period of detention provided for by this section shall not exceed 2 hours. The detention is not an arrest and shall not be recorded as an arrest in any official record. At the end of the detention the person so detained shall be released or be arrested and charged with a crime.

Sec. 3-B. Searching questioned person for weapon. A police officer may search for a dangerous weapon any person whom he has stopped or detained to question as provided in section 3-A, whenever he has reasonable ground to believe that he is in danger if the person possesses a dangerous weapon. If the officer finds a weapon, he may take and keep it until the completion of the questioning, when he shall either return it or arrest the person. The arrest may be for the illegal possession of the weapon.'