

MAINE STATE LEGISLATURE

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EIGHTH REVISION

THE
REVISED STATUTES

OF THE
STATE OF MAINE

PASSED SEPTEMBER 20, 1944, AND TAKING EFFECT
DECEMBER 30, 1944

VOLUME I



By the Authority of the Legislature

AUGUSTA
KENNEBEC JOURNAL PRINT

CHAPTER 13.

STATE POLICE.

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State Police

Sec. 1. Appointment of chief of state police; duties, may enlist members of the force; terms and conditions of enlistment; deputy chief. R. S. c. 29, § 122. 1931, c. 201. 1935, c. 29. 1939, c. 253. The governor, with the advice and consent of the council, shall appoint a chief of the state police, to serve for a term of 4 years unless removed for cause. He may be removed by the governor and council only after charges have been preferred in writing and, if he so requests, after public hearing. The chief shall be the executive head of the state police and shall execute the duties of his office under the direction and subject to the approval of the governor and council. The chief of the state police may enlist suitable persons as members of the state police to enforce the provisions of law, who shall enlist for a period of 3 years:

I. During the first 6 months of the 1st enlistment a member will be on probation and may be summarily discharged by the chief without hearing;

II. A qualified and accepted recruit will take the oath to be prescribed by regulations of the department and such oath shall be set out in the enlistment paper. Each accepted recruit shall sign such paper and expressly agree to abide by and be subject to all the conditions and obligations therein set forth;

III. After the first 6 months of the 1st enlistment period members may be discharged only after trial before a trial court to be designated by the chief of the said state police;

IV. Members may be discharged on their own request if deemed consistent with the good of the service by the chief;

V. Voluntary withdrawal from the force during the term of enlistment or reenlistment without the consent of the chief shall constitute a misdemeanor;

VI. The chief shall make rules and regulations subject to the approval of the governor and council for the discipline and control of members of the state police and for the examination and qualification of applicants for enlistment therein and violation of any rules and regulations, approved as aforesaid, by any member of the state police shall constitute a misdemeanor. Subject to the approval of the governor and council, the chief may designate a member of the state police to act as his deputy.

See c. 19, § 64 et seq., re financial responsibility law.

Sec. 2. Powers and duties; duty of other officers to cooperate. R. S. c. 29, § 123. 1935, c. 29. 1943, c. 269, § 3. The specific powers and duties of the state police shall be to patrol the state highways and other important ways, especially outside the compact portion of cities and towns, for the purpose of enforcing the provisions of law and all laws relating to motor driven and horse drawn vehicles and all rules and regulations in regard thereto, and of arresting all violators thereof and prosecuting all offenders against the same. In addition to such duties and powers, the chief and members of the state police are vested

with the same powers and duties throughout the several counties of the state as sheriffs have in their respective counties to serve criminal processes, to investigate and prosecute violators of any law of this state and to arrest the offenders thereof, and also the same power and duty as sheriffs have to arrest without warrant and detain persons found violating or attempting to violate any other penal law of the state until a legal warrant can be obtained. As arresting officers, or aids, or witnesses in any criminal case, they shall be entitled to the same fees as any sheriff or deputy. Such fees shall be taxed on a bill of costs and shall accrue to the treasurer of state. They shall have the same rights as sheriffs to require aid in executing the duties of their office. They may serve any subpoenas, notices, and processes issued by the secretary of state or the state highway commission under authority of law. They shall also at all times be subject to the call of the governor for emergency purposes at his discretion.

The state police; sheriffs and deputy sheriffs; constables, city marshals, deputy marshals, and police officers of cities and towns shall, so far as possible, cooperate in the detection of crime, the arrest and prosecution of criminals, and the preservation of law and order throughout the state.

See c. 20, §§ 111-122, re duties outdoor advertising; c. 126, § 21, re beano; c. 27, § 18, re special duties at agricultural fairs.

Sec. 3. Uniform and equipment, when worn; to hold no other office. R. S. c. 29, § 124. 1931, c. 2. 1935, c. 29. Members of the state police shall be provided at the expense of the state with a distinctive uniform and badge, and with suitable equipment, including motorcycles for use when requisite to the performance of their official duties, all of which shall remain the property of the state. When on duty to enforce the laws of the road, and at such other times as the chief may require, state policemen shall be in uniform. They shall hold no other office during their term of service. It shall be unlawful for any person to wear the prescribed uniform or badge of the state police or any distinctive part thereof except on order of the chief of said state police.

Sec. 4. May be assigned duty as inspectors; duties of inspectors. R. S. c. 29, § 125. 1935, c. 29. Members of the state police may be designated and assigned to special duty as inspectors to enforce the laws, rules, and regulations relating to the registration of motor vehicles and the licensing of operators of motor vehicles; but assignment to special duty shall not affect their powers as state police. Such inspectors shall cooperate with and assist the secretary of state in the collection of fees and penalties due the state under the laws relating to the registration of motor vehicles and the licensing of operators of such vehicles. They shall also aid the state highway commission in the enforcement of its rules and orders and permits pertaining to the use of highways.

See c. 19, § 55, sub-§ IV, re refrigerator vehicles entering state; c. 19, § 123, re motor vehicles at grade crossings; c. 37, § 9, re school busses.

Sec. 5. Salary and compensation determined by governor and council; to be sworn; not to receive fees; to be reimbursed for actual expenses. R. S. c. 29, § 126. 1931, c. 252. 1933, c. 92, § 5. 1935, c. 29. 1939, c. 272, § 1. 1943, c. 107; c. 320, § 4. The governor and council shall determine the salary of the chief and deputy chief. The compensation of the other members of the state police shall be determined as follows:

On appointment as a trooper, the member shall receive a salary of \$25 per week for a period of 6 months and \$30 per week thereafter for the balance of the 1st year of service; during the 2nd year of service he shall receive a salary of \$32.50 per week; during the next 2 years he shall receive a salary of \$36 per week; and thereafter he shall receive a salary of \$40 per week.

On appointment as a sergeant, the member shall receive a salary of \$42.50 per week.

On appointment as a lieutenant, the member shall receive a salary of \$47 per week.

On appointment as a captain, the member shall receive a salary of \$55 per week.

Before entering upon the duties of their office they shall be sworn.

No inspector or member of the state police shall receive any fee as a complainant or witness, or for making an arrest or for attendance at court, but shall be reimbursed by the state for his actual costs of arrest and actual expenses of travel and attendance. 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.

Sec. 6. Driver of any vehicle involved in accident to report. R. S. c. 29, § 128. 1935, c. 29.

I. The chief of the state police shall prepare and shall on request supply to police and sheriffs' offices and other suitable agencies forms of accident reports calling for sufficiently detailed information to disclose with reference to a highway accident the cause, conditions then existing, and the persons and vehicles involved.

II. The chief of the state police shall receive accident reports required to be made by law and shall tabulate and analyze such reports and may publish annually or at more frequent intervals statistical information based thereon as to the number, cause, and location of highway accidents.

III. The driver of any vehicle involved in an accident resulting in injuries or death to any person, or property damage to an apparent extent of \$50 or more, shall immediately forward a report of such accident to the chief of the state police or forthwith deliver the same to some state police officer, who shall so forward the same to said chief. The chief may require drivers, involved in accidents, to file supplemental reports of accidents upon forms furnished by him whenever the original report is insufficient in the opinion of the chief. Such reports shall be without prejudice, and the fact that such reports have been so made shall be admissible in evidence solely to prove a compliance with this section, but no such report or any part thereof or statement contained therein shall be admissible in evidence for any other purpose in any trial, civil or criminal, arising out of such accident.

Stations for Weighing Trucks

Sec. 7. Weighing points. 1935, c. 137, § 1. 1941, c. 147, § 1. From time to time the chief of state police shall designate, of his own motion or by order of the governor and council, along the main highways of this state, weighing points, stations, or barracks at which a suitable set of platform or portable scales for the weighing of motor vehicles shall be available for use.

Sec. 8. Operators of trucks. 1935, c. 137, § 2. 1941, c. 147, § 2. The operator of any truck entering or leaving the state, or operating within the state, upon request or direction of any state police officer, sheriff, or deputy sheriff shall drive such truck upon said scales and permit the weighing thereof together with its load, and shall permit examination of the registration certificate covering such truck.

Sec. 9. Fees must be paid. 1935, c. 137, § 3. 1941, c. 147, § 2. The driver or owner of such truck shall pay to the officer in charge of such weighing point, station, or barracks, or to the officer, sheriff, or deputy sheriff weighing such truck any deficiency, if any there may be, in the legal registration fee of such truck before it may be permitted to proceed. All deficiency fees so collected shall be reported to the secretary of state, in such manner as he may require, and said fees shall be sent to him and special record kept thereof.

Sec. 10. Issuance of certificate. 1935, c. 137, § 4. 1941, c. 147, § 2. Upon the payment of any deficiency as hereinbefore provided, the officer in charge of such weighing point, station, or barracks, or the officer, sheriff, or deputy sheriff weighing such truck shall give to the operator of the truck a clearance certificate in such form as may be prescribed by the chief of the state police.

Sec. 11. Penalty for violation of §§ 7-12. 1935, c. 137, § 5. 1941, c. 147, § 2. The operator or owner of any truck entering or leaving the state, or operating within the state, who refuses to permit the weighing of such truck, as aforesaid, shall be punished as provided in section 135 of chapter 19.

Sec. 12. Enforcement of §§ 7-12; records. 1935, c. 137, § 6. 1941, c. 147, § 2. Every state police officer, sheriff, and deputy sheriff is authorized and directed to enforce the provisions of sections 7 to 12, inclusive, and to keep a complete record of each truck weighed by him, and he shall send a copy of each such record, prior to the close of the month following that during which the weighing took place, to the chief of the state police who shall file the same as a public record. Forms for making such records shall be prepared by the chief of the state police and by him furnished, together with a copy of sections 7 to 12, inclusive, to all state police officers, sheriffs, and deputy sheriffs.

State Bureau of Identification

Sec. 13. State bureau of identification; finger-prints and photographs of persons suspected of crime. R. S. c. 143, §§ 18, 19, 20. 1933, c. 118, § 1. 1935, c. 29. 1937, c. 91, §§ 1, 2; c. 221. The state bureau of identification, as heretofore established within the department of the state police, shall be under the supervision and control of the chief of state police. The chief of state police, subject to approval of the governor and council, shall appoint one of the members of said state police, who is a qualified finger-print expert, to be supervisor of the state bureau of identification with the rank not less than that of a lieutenant in the state police, and he may delegate such other members of the state police to serve in said bureau and, subject to the provisions of the personnel law, appoint such civilian personnel as he may deem necessary to carry out the provisions of this section and the 5 following sections. The chief of state police shall supply such bureau with the necessary apparatus and materials for collecting, filing, preserving, and distributing criminal records.

Sec. 14. Recording of finger-prints. 1937, c. 91, § 2. The state police, the persons in charge of all state penal institutions, the wardens or keepers of jails and prisons, the several sheriffs, and the chiefs of police in each of the cities and towns of the state shall have the authority to take or cause to be taken and shall take or cause to be taken the finger-prints or photographs or both the finger-prints and photographs of any person in custody charged with the commission of

crime, or of any person who they have reason to believe is a fugitive from justice, or of any suspicious person, or of any habitual criminal, and of all unidentified dead persons, and they shall furnish daily to the supervisor of the bureau of identification copies of the finger-prints and photographs so taken, such finger-prints to be taken on forms furnished or approved by the bureau of identification. The supervisor of the bureau of identification shall immediately upon receipt of such records, compare them with other records already on file, and shall furnish to the official forwarding such records, such information as he may have relative to the criminal record of such persons.

Sec. 15. Duty of jailers. 1937, c. 91, § 2. It shall be the duty of the persons in charge of any jail, prison, or reformatory within the state to furnish to the supervisor of the bureau of identification, upon request, the finger-prints, photographs, and description of any person detained in such institution.

Sec. 16. Supervisor to cooperate with other bureaus. 1937, c. 91, § 2. The supervisor of the bureau of identification shall cooperate with similar bureaus in other states and with the national bureau in the department of justice in Washington, D. C. and he shall develop and carry on an interstate, national, and international system of identification.

Sec. 17. Cooperation with local officials. 1937, c. 91, § 2. The supervisor of the bureau of identification shall afford instruction and offer assistance to all persons required to take finger-prints and photographs in the establishment and operation of their local systems of identification, in order to assure coordination with the system of identification conducted by the state bureau. Neglect or refusal of any person or official to make reports or perform any other act required by the provisions of sections 13 to 18, inclusive, shall constitute a misdemeanor, and such person or official, upon conviction thereof, shall be punished by a fine of not more than \$50.

Sec. 18. Rules and regulations. 1937, c. 91, § 2. The supervisor of the bureau of identification shall make and forward to all persons charged with any duty or responsibility under the provisions of the 5 preceding sections, rules and regulations for the taking and preserving of the finger-prints and other records as hereinbefore provided, such rules and regulations before becoming effective to be approved by the attorney-general.

Sec. 19. Pupils in schools receiving state funds, and others, to be fingerprinted. 1943, c. 336, § 1. All children in the state attending public schools, or their equivalent, shall be fingerprinted for civilian identification under the supervision of the commissioner of education and the state bureau of identification. On and after October 1, 1946, it shall be a requirement of matriculation in schools receiving state funds.

Sec. 20. Governor and council to authorize. 1943, c. 336, § 2. The law enforcement agencies of the state, upon request of the governor and council, shall have the authority to take, or cause to be taken, and shall take, or cause to be taken, the fingerprints of the persons enumerated in section 19 and of any persons who shall request their fingerprints to be taken for civilian identification.

State Police Retirement System

Sec. 21. State police retirement system; limitation. 1935, cc. 29, 182. 1939, c. 225. 1943, c. 352, § 1. Any member of the state police who shall have served

as a member thereof for 20 or more years with a good record shall upon request in writing to the chief of the state police be retired from active service and placed upon the pension rolls, and receive thereafter $\frac{1}{2}$ of the pay per year that is paid to a member of his grade at the time of his retirement. Provided, however, that no member shall be retired under the provisions of sections 21 and 22 for the duration of the present war emergency or 6 months thereafter, unless he has reached the age of 65, or unless the governor and council shall determine that because of physical disability he is no longer able to carry on the duties of his office. Provided further, that this section shall apply only to persons who were members of the state police on July 9, 1943.

Sec. 22. Provision for payment. 1935, cc. 29, 182. Funds for the payment of the retirement pay of state police officers shall be included in the annual budget of the state police department and the amounts necessary to pay such retirement pay shall be in addition to the regular appropriation for the support of the department. Any person convicted of a felony while receiving a pension under the provisions of this section shall forfeit such pension.

See c. 60, re retirement system for state employees, which includes members of the state police who become such after July 9, 1943.