

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

NINTH REVISION

REVISED STATUTES

OF THE

STATE OF MAINE

1954

FIRST ANNOTATED REVISION

Effective December 31, 1954

IN FIVE VOLUMES

VOLUME 1



THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA

Chapter 15.**State Police.**

- Sections 1- 5. State Police.
 Section 6. State Police Reserve Corps.
 Section 7. Accident Reports.
 Sections 8-13. Stations for Weighing Trucks.
 Sections 14-21. State Bureau of Identification.
 Sections 22-23. State Police Retirement System.

State Police.

Sec. 1. Chief; appointment and duties; members of force; rules and regulations; deputy chief.—The governor, with the advice and consent of the council, shall appoint a chief of the state police, as heretofore appointed, to serve for a term of 4 years unless removed for cause. Such appointment may be made from the membership of the state police. 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 year of the 1st enlistment a member will be on probation and may be summarily discharged by the chief without hearing; (1947, c. 24, § 1.)

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 year 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; (1947, c. 24, § 2.)

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. (R. S. c. 13, § 1. 1945, c. 255, § 1. 1947, c. 24, §§ 1, 2.)

See c. 22, § 75, et seq., re financial responsibility law; c. 22, § 12, re thefts of motor vehicles; c. 22, § 13, re permits to tow un-

registered motor vehicles; c. 63, § 17, re preference in employment for veterans.

Sec. 2. Powers and duties; duty of other officers to cooperate. — 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 relat-

ing 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 be paid promptly each month to the treasurer of state and credited to the general highway fund. 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. (R. S. c. 13, § 2. 1949, c. 323, § 1.)

See c. 23, §§ 137-151, re duties outdoor advertising; c. 32, § 20, re special duties at agricultural fairs; c. 139, § 21, re beano.

Sec. 3. Uniform and equipment; to hold no other office.—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. (R. S. c. 13, § 3.)

Sec. 4. Duties as inspectors.—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. (R. S. c. 13, § 4.)

See c. 22, § 46, re official motor vehicle inspection station; c. 22, § 48, re school busses; c. 22, § 68, re definition of "non-

resident" for registration of motor vehicles; c. 22, § 152, re motor vehicles at grade crossings.

Sec. 5. Salaries and compensations; to be sworn; not to receive fees. — 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 under the provisions of the personnel law.

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 re-

imbursed 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. (R. S. c. 13, § 5. 1947, c. 385. 1949, c. 310. 1951, c. 408. 1953, c. 372, § 1.)

State Police Reserve Corps.

Sec. 6. State police reserve corps.—The chief is authorized to establish and maintain a state police reserve corps. To be eligible for membership in such reserve corps, applicants shall meet such standards as may be determined by the chief; shall enlist therein for a period of not less than 3 years, and shall take the oath prescribed in section 15 of chapter 12. Upon the issuance by the governor of the proclamation provided for in section 6 of chapter 12, the chief may order any or all of the members of said reserve corps to active duty as state police for the duration of the proclaimed emergency or any part thereof. When ordered to active duty, members of said reserve corps shall have the same status as regular members of the state police. (1951, c. 273, § 9.)

Accident Reports.

Sec. 7. Driver of any vehicle involved in accident to report.—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. Every accident report required to be made in writing shall be made on the appropriate form furnished by the chief of the state police and shall contain all available information.

The chief of the state police shall receive accident reports required 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.

The driver of any vehicle involved in an accident resulting in injuries to or death of any person or property damage to the estimated amount of \$100 or more, or some person acting for him, shall, immediately by the quickest means of communication, give notice of the accident either to a state police officer, sheriff or other police official, or to the police department of the municipality wherein the accident occurred. Any person failing to comply with the requirements of this paragraph shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$100, or by imprisonment for not more than 90 days, or by both such fine and imprisonment. Every such notice received by any such official or department shall be promptly investigated.

Every law enforcement officer who investigates a motor vehicle accident of which report is required, shall, either at the time and scene of the accident or elsewhere, interview participants and witnesses and shall, within 48 hours after completing the investigation, transmit his written report to the chief of the state police.

All accident reports made by investigating officers shall be for the purpose of a statistical analysis and for accident prevention purposes and shall not be admissible in evidence in any trial, civil or criminal, arising out of such accident, but the chief of the state police may disclose, upon request of any person, the date, time, location of the accident and the names and addresses of drivers, owners, injured persons, witnesses and the investigating officer. The chief may also upon written request, furnish a photocopy of any report at the expense of the person making the request.

The driver of any vehicle involved in an accident resulting in injury to or death of any person or property damage to the estimated amount of \$100 or more, or some person acting for him, shall, within 48 hours after the accident, make a written report of it to the chief of the state police. The chief may require drivers of vehicles involved in any such accident to file supplemental reports whenever the original report is insufficient in the opinion of the chief.

Every report shall be without prejudice and the fact that it was made shall be admissible in evidence solely to prove a compliance with this section, but no report, or any part thereof, or statement contained therein, or statement made, or testimony taken at any hearing before the secretary of state or any of his deputies held under the provisions of section 4 of chapter 22, or decision made as a result thereof, shall be admissible in evidence for any purpose in any trial, civil or criminal, arising out of such accident.

Whoever is required to make a report as herein provided and fails to do so, or willfully fails to give correct information required of him by the chief of the state police pertinent to any requisite report shall be deemed answerable to the secretary of state, and the secretary for either of said causes may suspend or revoke the operator's license of such person or the certificate of registration, or both, of any or all motor vehicles owned by him; and on like failure by a nonresident the secretary may suspend or revoke the privileges of such nonresident to operate a motor vehicle in this state and the operation within this state of any motor vehicle owned by him. (R. S. c. 13, § 6. 1945, c. 306. 1947, c. 85. 1953, c. 112.)

Cross reference.—See c. 22, § 77, re chief to report to secretary of state.

Testimony of officer concerning oral inquiry at scene of accident not barred by this section.—Without question the reports required by this section are written. One making a verbal report could not well "forward" or "file" it. Hence, the testimony of a state traffic officer con-

cerning an inquiry made by the officer immediately upon his arrival at the scene of an accident for the purpose of learning who participated in the accident, and which was preliminary to investigation as to the cause of the accident, is admissible and not barred by this section. *Lawyer-son v. Nadeau*, 136 Me. 361, 10 A. (2d) 357.

Stations for Weighing Trucks.

Sec. 8. Weighing points.—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. (R. S. c. 13, § 7.)

Sec. 9. Operators of trucks.—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. (R. S. c. 13, § 8.)

Sec. 10. Fees.—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. (R. S. c. 13, § 9.)

Sec. 11. Issuance of certificate. — 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. (R. S. c. 13, § 10.)

Sec. 12. Penalty for violation of §§ 8-13.—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 by a fine of not more than \$100, or by imprisonment for not more than 90 days, or by both such fine and imprisonment; and all fines and forfeitures collected shall accrue to the general highway fund. (R. S. c. 13, § 11; c. 19, § 135. 1951, c. 176.)

Sec. 13. Enforcement of §§ 8-13; records.—Every state police officer, sheriff and deputy sheriff is authorized and directed to enforce the provisions of sections 8 to 13, 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 8 to 13, inclusive, to all state police officers, sheriffs and deputy sheriffs. (R. S. c. 13, § 12.)

State Bureau of Identification.

Sec. 14. State bureau of identification; fingerprints and photographs of persons suspected of crime.—The state bureau of identification is established within the department of state police and shall hereafter be known as the state bureau of identification. The chief of the state police shall appoint a person who has sufficient identification qualifications, including thorough knowledge of the various standard identification systems, Maine court procedure, parole and probation, to be supervisor of the state bureau of identification, and he may delegate members of the state police to serve in said bureau upon request of the supervisor. The supervisor shall have the authority to hire such civilian personnel, subject to the provisions of the personnel law and the approval of the chief of the state police, 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. (R. S. c. 13, § 13. 1945, c. 333, § 1.)

Sec. 15. Recording of fingerprints. — 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 and other law enforcement officers shall have the authority to take or cause to be taken, and shall take or cause to be taken, the fingerprints or photographs or both the fingerprints 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 state bureau of identification copies of the fingerprints and photographs so taken, together with a report of the way the crime was committed, the method of operation of the person arrested, and any psychiatric report or other pertinent information which may be necessary to keep the records and statistics of the state bureau of identification, such fingerprints to be taken and additional reports made on forms furnished or approved by the state bureau of identification. The supervisor of the state bureau of identification shall immediately upon receipt of such records, compare them with other records already on file, and shall furnish to the proper official such information as he may have relative to the criminal record of such persons.

Municipal court judges and trial justices may, in their discretion, have the same authority granted to law enforcement officers under the provisions of this section. (R. S. c. 13, § 14. 1945, c. 333, § 2.)

Sec. 16. Officers to furnish information.—It is made the duty of every clerk of every criminal court, including municipal courts and justices' courts, and of every head of every department, bureau and institution, state, county and local, dealing with criminals and of every officer, probation officer, county attorney or person whose duties make him the appropriate officer, to transmit, not later than the 1st and 15th days of each calendar month, to the supervisor of the state bureau of identification, such information as may be necessary to enable him to comply with the provisions of sections 15 and 17. Such reports shall be made upon forms which shall be supplied or approved by the state bureau of identification. (R. S. c. 13, § 15. 1945, c. 333, § 2.)

Sec. 17. Supervisor to cooperate with other bureaus. — The supervisor of the state 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. (R. S. c. 13, § 16. 1945, c. 333, § 2.)

Sec. 18. Cooperation with local officials.—The supervisor of the state bureau of identification shall afford instruction and offer assistance to all persons required to take fingerprints 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 14 to 19, inclusive, shall constitute a misdemeanor, and such person or official, upon conviction thereof, shall be punished by a fine of not more than \$50. (R. S. c. 13, § 17. 1945, c. 333, § 2.)

Sec. 19. Rules and regulations.—The supervisor of the state 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 fingerprints and other records as hereinafter provided, such rules and regulations before becoming effective to be approved by the attorney general. (R. S. c. 13, § 18. 1945, c. 333, § 2.)

Sec. 20. Pupils in certain schools to be fingerprinted.—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. It shall be a requirement of matriculation in schools receiving state funds. (R. S. c. 13, § 19.)

Sec. 21. Governor and council to authorize. — 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 20 and of any persons who shall request their fingerprints to be taken for civilian identification. (R. S. c. 13, § 20.)

State Police Retirement System.

Sec. 22. State police retirement system; limitation. — 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 that this section shall apply only to persons who were members of the state police on July 9, 1943.

The provisions of this section shall apply to a member who may become chief of the state police. Such chief shall be credited with the number of years which he served as a member to be added to the number of years served as chief. Upon his request for retirement, made in writing to the governor and council, he shall receive thereafter $\frac{1}{2}$ of the pay per year that is paid to him as chief at the time of his retirement, provided he has served at least 4 years as chief; otherwise he shall receive thereafter $\frac{1}{2}$ of the pay per year that was paid to him as a member at the time he was appointed chief. (R. S. c. 13, § 21. 1945, c. 86; c. 255, § 2.)

Sec. 23. Provision for payment.—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. (R. S. c. 13, § 22.)

See c. 64, re retirement system for state employees.