

§1502-A. Cooperation of federal officers

1. Definition. For purposes of this section, "federal officers" means the following persons who are authorized to carry firearms in the performance of their duties as federal law enforcement employees or officers:

- A. [PL 2007, c. 209, §1 (RP).]
- A-1. [PL 2001, c. 602, §1 (NEW); MRSA T. 25 §1502-A, sub-§1, ¶ A-1 (RP).]
- B. [PL 2007, c. 209, §1 (RP).]
- C. [PL 2007, c. 209, §1 (RP).]
- D. [PL 2007, c. 209, §1 (RP).]
- E. Any of the officers listed in this subsection who are assigned to or are acting in concert with a task force, but only if that task force meets the following requirements:
 - (1) The task force is a task force of the Maine Drug Enforcement Agency authorized under this Title; or
 - (2) The task force is a joint federal-state task force operating primarily within the territorial boundaries of this State and:
 - (a) An arrest is part of or related to an investigation of that federal-state task force; or
 - (b) An arrest occurs in a prosecutorial district and either:
 - (i) The district attorney of that district or the district attorney's written designee actively participates in and oversees the activities of the task force; or
 - (ii) The arrest occurs anywhere within the State and the Attorney General or the Attorney General's written designee actively participates in and oversees the activities of the task force; [PL 2007, c. 209, §1 (AMD).]
- F. Special Agents of the United States Secret Service of the Department of Homeland Security; and [PL 2007, c. 209, §1 (NEW).]
- G. An officer of an agency of the United States Department of Homeland Security that has administrative and enforcement jurisdiction over immigration, customs or border security matters. [PL 2007, c. 209, §1 (NEW).]

Federal officers are law enforcement officers for the purposes of Title 17-A, section 2, subsection 17. [PL 2007, c. 209, §1 (AMD).]

2. Powers. Subject to suspension or revocation, without hearing, by the Attorney General or the Board of Trustees of the Maine Criminal Justice Academy, a federal officer has the power to enforce state law when one or more of the following situations exist.

- A. The federal officer has an articulable and reasonable suspicion to believe that the person to be stopped has committed, is committing or is about to commit a state crime or has probable cause to believe that the person to be arrested has committed or is committing a state crime. [PL 1995, c. 423, §1 (NEW).]
- B. The federal officer is providing assistance to a state, county or municipal law enforcement officer in an emergency or at the request of the state, county or municipal law enforcement officer. [PL 1995, c. 423, §1 (NEW).]
- C. The federal officer has received information from an authoritative source that a state, county or municipal law enforcement officer holds a warrant for the person's arrest. [PL 1995, c. 423, §1 (NEW).]

This section is not intended to limit the authority to enforce state law of any other federally employed, federal law enforcement officer or law enforcement officer of another state who, with the written consent of the Attorney General, has been sworn or otherwise cross-designated or cross-deputized as a state law enforcement officer.

[PL 1995, c. 423, §1 (NEW).]

3. Discretion to act. Federal officers may, but are not required to, enforce state law. This section is not intended to limit the existing authority of federal officers under federal law or to interfere with the performance of federal duties by federal officers.

[PL 1995, c. 423, §1 (NEW).]

4. Liability. A federal officer who is acting pursuant to this section has the same immunity from and limitation on tort liability as the State Police.

[PL 1995, c. 423, §1 (NEW).]

5. Training and policies. Before a federal officer may exercise the powers conferred by this section:

A. The federal officer must receive training in Maine criminal law and Maine law on the use of force; and [PL 1995, c. 423, §1 (NEW).]

B. [PL 2001, c. 602, §2 (AMD); MRSA T. 25 §1502-A, sub-§5, ¶ B (RP).]

B-1. The federal agencies of the Department of Homeland Security shall develop policies governing their employees, including training policies. [PL 2007, c. 209, §2 (AMD).]

The policies and training must be approved by, and the policies filed with, the Board of Trustees of the Criminal Justice Academy.

[PL 2007, c. 209, §2 (AMD).]

SECTION HISTORY

PL 1995, c. 423, §1 (NEW). PL 2001, c. 602, §§1-3 (AMD). PL 2001, c. 602, §4 (AFF). PL 2007, c. 209, §§1, 2 (AMD).

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