

Order 201-13/14

Passage: 9-0 on 4/28/2014

MICHAEL F. BRENNAN, (MAYOR)  
KEVIN J. DONOGHUE (1)  
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**CITY OF PORTLAND  
IN THE CITY COUNCIL**

Effective 5/28/2014

JOHN R. COYNE (5)  
JILL C. DUSON (A/L)  
JON HINCK (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE  
CHAPTER 20. POLICE,  
ARTICLE IV. Additional Authority  
Section 20-36  
Re: Statewide Arrest Powers**

**I. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,  
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

*1. That Chapter 20, Article IV, Section 20-36 of the Portland City Code is hereby amended to read as follows:*

**Sec. 20-36. Authority granted.**

(a) *Arrests outside the city's geographic boundaries. In addition to any other authority conferred by law, law enforcement officers of the Portland Police Department who have met the requirements of 25 M.R.S.A., § 2804-C are authorized, pursuant to 30-A M.R.S.A., § 2671, subsection 2-A, ~~to perform the acts listed below while outside the geographic boundaries of the city; to perform any of the acts described in 17-A M.R.S.A., § 15 while the police officers are outside the jurisdiction of the City of Portland if, when possible, the law enforcement agency of the municipality in which the arrest is to be made is notified in advance or, when not possible, the law enforcement agency of the municipality in which the arrest has been made is notified immediately after the arrest.~~*

- ~~(1) Arrest without warrant a person who has committed in the officer's presence or is committing in the officer's presence a Class A, B or C crime defined in 17-A M.R.S.A. Chapters 9, 11, 13, 17, 27 or 33, while the officer is on or off duty; or~~
- ~~(2) Arrest without warrant a person for a crime committed in the city if:~~

- ~~a. The arrest is made as part of an ongoing criminal investigation made by an officer while on duty and assigned to the investigation;~~
- ~~b. The law enforcement agency of the municipality in which the arrest is to be made is notified in advance; and~~
- ~~c. If the arrest is authorized by 17-A M.R.S.A. § 15, subsection 1, paragraph A.~~

~~As used in this section, the phrase "committed in the officer's presence or is committing in the officer's presence" has the same meaning as provided in 17-A M.R.S.A. § 15, subsection 2.~~

(b) *Representation of the city in state district court.* Pursuant to 30-A M.R.S.A. § 2671, subsection 3, a law enforcement officer of the Portland Police Department who is certified by the Maine Criminal Justice Academy, under 25 M.R.S.A. § 2803, subsection 3-A, and approved in writing by the chief of police, may represent the city in district court in the prosecution of alleged violations of ordinances which the officer may enforce.