

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

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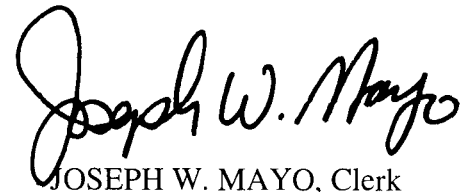
H.P. 611

House of Representatives, March 14, 1995

**An Act to Amend the Laws Regarding the Procedures for Emergency
Admissions to a Mental Hospital.**

(EMERGENCY)

Reference to the Committee on Criminal Justice suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative DORE of Auburn.
Cosponsored by Representatives: BOUFFARD of Lewiston, GAMACHE of Lewiston,
POULIOT of Lewiston, RICHARDSON of Portland, RICKER of Lewiston, Senators:
BERUBE of Androscoggin, CLEVELAND of Androscoggin.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

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6 **Whereas,** current laws do not authorize a law enforcement
officer to transfer custody of a person for whom emergency
admittance to a mental health institution is sought to the chief
8 administrative officer of a nonstate mental health institution or
to the chief administrative officer's designee; and

10 **Whereas,** this deficiency in the laws is a tremendous burden
12 on law enforcement agencies as it forces law enforcement
personnel to wait many hours at mental health institutions for
14 emergency admittances, resulting in the waste of precious law
enforcement resources and jeopardizing the protection that law
16 enforcement agencies provide; and

18 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
20 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
22 safety; now, therefore,

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

26 **Sec. 1. 34-B MRSA §3863, sub-§2-A,** as enacted by PL 1993, c.
592, §1, is amended to read:

28 **2-A. Custody agreement.** A state, county or municipal law
30 enforcement agency may meet with representatives of those public
and private health practitioners and health care facilities that
32 are willing and qualified to perform the certifying examination
required by this section in order to attempt to work out a
34 procedure for the custody of the person who is to be examined
while that person is waiting for that examination. Any agreement
36 must be written and signed by and filed with all participating
parties. In the event of failure to work out an agreement that
38 is satisfactory to all participating parties, the procedures of
section 3862 and this section continue to apply.

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42 As part of an agreement the law enforcement officer requesting
certification may transfer protective custody of the person for
whom the certification is requested to another law enforcement
44 officer ~~or~~ a health officer if that officer agrees or the chief
46 administrative officer of a nonstate mental health institution or
the chief administrative officer's designee. Any arrangement of
this sort must be part of the written agreement between the law
48 enforcement agency and the health care agency. In the event of a
transfer, the law enforcement officer seeking the transfer shall
50 provide the written application required by this section.

2 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.

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STATEMENT OF FACT

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This bill authorizes a law enforcement agency to enter into
an agreement with a mental health institution to allow a law
enforcement officer to transfer custody of a person for whom
emergency admittance to a mental health institution is sought to
the chief administrative officer of a nonstate mental health
institution or the chief administrative officer's designee.

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