

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1479

H.P. 1081

House of Representatives, April 4, 2019

An Act To Clarify Guardianship over Detainees under 18 Years of Age Regarding Mental Health Care

Submitted by the Department of Corrections pursuant to Joint Rule 204.
Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MORALES of South Portland.
Cosponsored by Representative: BEEBE-CENTER of Rockland, Senator: DESCHAMBAULT of York.

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

2 **Sec. 1. 34-A MRSA §3809-A, sub-§2**, as amended by PL 1999, c. 583, §32, is
3 further amended to read:

4 **2. Juvenile detainee.** The commissioner has all the power over a juvenile detainee
5 that a guardian has over a ward and that a parent has over a child with regard to necessary
6 medical care and necessary mental health care. If a juvenile detainee is or becomes 18
7 years of age while still detained, the statutory guardianship of the commissioner over the
8 juvenile detainee terminates, but the juvenile remains subject to the control of the
9 commissioner, staff and rules of the facility until release from the facility.

10 **Sec. 2. 34-A MRSA §4111, sub-§2**, as amended by PL 2017, c. 148, §20, is
11 further amended to read:

12 **2. Juvenile detainee.** The commissioner has all the power over a juvenile detainee
13 that a guardian has over a ward and that a parent has over a child with regard to necessary
14 medical care and necessary mental health care. If a juvenile detainee is or becomes 18
15 years of age while still detained, the statutory guardianship of the commissioner over the
16 juvenile detainee terminates, but the juvenile remains subject to the control of the
17 commissioner and the staff and rules of the Mountain View Correctional Facility until
18 release from the Mountain View Correctional Facility.

19 **SUMMARY**

20 This bill clarifies that the statutory guardianship power of the Commissioner of
21 Corrections over detainees under 18 years of age extends not only to necessary medical
22 care but also to necessary mental health care.