

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 201

H. P. 163

House of Representatives, February 1, 1977

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Kane of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Amend the Laws Relating to Protective Custody Proceedings.

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

22 MRSA § 3792, as last amended by PL 1973, c. 567, § 20, is further amended by adding at the end a new paragraph to read:

When the court has ordered a change in the legal custody of a child under this section and any person not entitled to custody of the child refuses to relinquish physical custody of that child to the department or person entitled to custody under the order, then at the request of the department or person legally entitled to custody, a law enforcement officer may take any necessary and reasonable steps to obtain physical custody of the child for the rightful custodian, including entering public or private property without a warrant where the child is believed to be present.

STATEMENT OF FACT

The purpose of this bill is to specifically enable law enforcement officers to enforce, without further court action, a custody order which is being violated by a person wrongfully retaining physical custody of a child.