## MAINE STATE LEGISLATURE

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1 2	FIRST REGULAR SESSION
3 4	ONE HUNDRED AND ELEVENTH LEGISLATURE
5 <b>6</b>	Legislative Document No. 873
7 8	S.P. 285 In Senate, February 24, 1983
9	Referred to the Committee on Judiciary. Sent down for concurrence and ordered printed.
10	JOY J. O'BRIEN, Secretary of the Senate
11	Presented by Senator Trafton of Androscoggin. Cosponsor: Representative Joseph of Waterville.
12 13	STATE OF MAINE
14 15 16	IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-THREE
17 <b>18</b> 19	AN ACT Relating to Guidelines for Certain Police Powers.
20 21	Be it enacted by the People of the State of Maine as follows:
22	Sec. 1. 25 MRSA §2901-B is enacted to read:
23	§2901-B. Guidelines issued
24 25 26	The Commissioner of Public Safety shall prepare guidelines for his officers relating to the use of weapons, handcuffs and strip searches of arrestees.
27 28	These guidelines shall be approved by the Attorney General.
29 30 31 32	A copy of these guidelines shall be furnished to each officer and shall be filed and be available for public inspection at the headquarters of the respective department.

- A copy of these guidelines shall be filed and open to public inspection at the office of the Commissioner of Public Safety.
  - Sec. 2. 30 MRSA §1001, sub-§1, as repealed and replaced by PL 1977, c. 564, §113-A, is repealed and the following enacted in its place:
- 1. Sheriff's duties. The sheriff shall act as the chief county law enforcement officer and be responsible for administering and directing the sheriff's department as authorized by the county budget. Each sheriff's department shall prepare guidelines for its officers relating to the use of weapons, handcuffs and strip searches of arrestees.
- The guidelines shall be approved by the county commissioners and by the District Attorney for the district in which the county is located.
- 17 A copy of the guidelines shall be furnished to each 18 officer and shall be filed and be available for
- 19 public inspection at the headquarters of the respec-
- tive sheriff's department.

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- A copy of the guidelines shall be filed and open to public inspection at the office of the Commissioner of Public Safety.
- The sheriff shall inform the county commissioners of the sheriff's department activities on a regular basis and meet with the commissioners as required under subsection 3.
- 28 Sec. 3. 30 MRSA §2361, sub-§3 is enacted to 29 read:
- 30 3. Guidelines. Each police department shall 31 prepare guidelines for its officers relating to the 32 use of weapons, handcuffs and strip searches of 33 arrestees.
- The guidelines shall be approved by the legislative body of the municipality. The guidelines shall be approved by the District Attorney for the district in which the town or city is located.

- A copy of the guidelines shall be furnished to each officer and shall be filed and be available for public inspection at the headquarters of the respec-
- 4 tive police department.

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- A copy of the guidelines shall be filed and open to public inspection at the office of the Commissioner of Public Safety.
- 8 Sec. 4. Failure to comply. Failure to comply 9 with the provisions of this Act shall be punished by civil penalty recoverable against the approving authority in the amount of \$5 each day for each day of noncompliance.
- 13 Sec. 5. Effective date. This Act shall take 14 effect January 1, 1984.

## 15 STATEMENT OF FACT

16 This bill requires local municipal police departments, county sheriff's departments and the Commis-17 18 sioner of Public Safety to prepare written guidelines 19 follow in the use of handcuffs. which they shall strip searches and weapons, in relation to 20 individu-21 under their custody. Copies of the guidelines 22 shall be furnished to each law enforcement officer. 23 Guidelines shall be approved by municipal legislative 24 bodies, sheriff's departments and District Attorneys, 25 the Attorney General and the Commissioner of Public 26 Safety.

Copies of approved guidelines shall be filed in the office of the Commissioner of Public Safety.

It is intended that this legislation will enable police officers to perform their duties in a safe and responsible manner while respecting the civil rights and liberties of suspects.

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