

MAINE STATE LEGISLATURE

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(New Draft of H.P. 1745, L.D. 2299)
(New Title)

SECOND REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 2440

H.P. 1845

House of Representatives, April 6, 1984

Reported by the Minority from the Committee on Judiciary and printed under Joint Rule 2.

Original bill presented by Representative Joseph of Waterville.
Cosponsored by Representative Benoit of So. Portland, Senator Bustin of Kennebec and Representative Gauvreau of Lewiston.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-FOUR

AN ACT to Ensure Statewide Uniformity in
the Procedures for Strip Searches and Body
Cavity Searches of Arrestees by Law Enforcement
Officers while Respecting the Civil Rights and
Liberties of Arrestees.

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

Sec. 1. 5 MRSA §200-G is enacted to read:

§200-G. Strip searches and body cavity searches

1. Rules promulgated. The Attorney General shall promulgate rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II, relating to strip searches and body cavity searches of arrestees. These rules shall be a

1 guide for the conduct of law enforcement officers in
2 enforcing the law and shall establish acceptable pro-
3 cedures for conducting a strip search or a body cavi-
4 ty search of an arrestee when the arrestee is con-
5 cealing a weapon or where an officer has a reasonable
6 belief that the arrestee may be concealing contraband
7 or evidence of a crime.

8 A copy of these rules shall be furnished to each of-
9 licer within the Department of Public Safety and to
10 each sheriff's department and police department
11 statewide and shall be filed and be available for
12 public inspection at the headquarters of each depart-
13 ment.

14 2. Conditions. The rules promulgated by this
15 subsection shall be subject to the following condi-
16 tions:

17 A. No person arrested for a Class D or E crime,
18 a traffic violation or a violation of a city,
19 county or town ordinance which is punishable by
20 no more than 30 days in jail, may be subjected to
21 a strip search or body cavity search, unless
22 there is reasonable cause to believe, on the part
23 of the law enforcement officer authorizing the
24 search, that the individual is concealing a weap-
25 on, contraband or evidence of a crime, or unless
26 the arrestee is about to come into contact with
27 the inmate population of a detention facility.

28 B. Strip searches or body cavity searches of the
29 mouth shall be conducted by an officer or offi-
30 cers or by authorized medical personnel of the
31 same sex as the arrestee under conditions so that
32 the search cannot be observed by persons other
33 than the officer or officers or authorized medi-
34 cal personnel conducting the search.

35 C. Body cavity searches other than of the mouth
36 shall be conducted by medically trained personnel
37 of the same sex as the arrestee under conditions
38 so that the search cannot be observed by persons
39 other than those conducting the search.

40 D. Each strip search or body cavity search shall
41 be recorded in a log kept by the Department of

