

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1617

H.P. 1163

House of Representatives, May 10, 1989

Reference to the Committee on Legal Affairs suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative RUHLIN of Brewer.

STATE OF MAINE

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

An Act to Allow Sheriffs' Departments to Transport Juveniles to State-approved Treatment Facilities.



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

3 30-A MRSA §405 is enacted to read:

5 §405. Transportation of juveniles to state-approved treatment
7 facilities

9 Any sheriff or deputy sheriff may arrest and take any person
11 under the age of 18 to a state-approved residential treatment
facility in or outside of the county in which the sheriff or
deputy sheriff is appointed when:

13 1. Written request received. The parent or parents of the
15 person under the age of 18 request in writing that such
transportation take place; and

17 2. Written approval received. The residential treatment
19 facility certifies in writing that it has approved the placement
and is prepared to receive the person under the age of 18.

21 In arresting and transporting the person under the age of 18
23 under this section, the sheriff or deputy sheriff may use a
reasonable degree of nondeadly force when the sheriff or deputy
25 sheriff believes that such force is necessary to effect the
transportation. If a transportation is effected, the parents or
27 legal guardian of the person under the age of 18 shall reimburse
the sheriff's department for its costs.

29 **STATEMENT OF FACT**

31 This bill authorizes sheriffs' departments to pick up and
33 transport juveniles to state-approved residential treatment
35 facilities within the State when:

37 1. The parent or parents or legal guardian of the juvenile
provides a written request and consent; and

39 2. The residential treatment facility indicates in writing
41 that it has approved placement and is prepared to receive the
juvenile.

43 Currently, parents who have worked to obtain approved
45 treatment of their juvenile in a residential treatment facility
may be unable to get their unwilling juvenile to voluntarily go
47 to the residential treatment facility. There is often no help
available from any state agency to transport the juvenile. This
49 may result in the parents either giving up on the juvenile in
need of treatment or physically restraining the juvenile and
51 taking the juvenile to the facility by force. A better and safer
way is needed for the sake of the juvenile, the parents and the
family. Sheriff's department personnel have the experience and

1 training to restrain and transport unwilling juveniles. This
bill further provides for reimbursement to the sheriff's
3 department by the parents or legal guardian.