

MAINE STATE LEGISLATURE

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RES

DATE: 3/18/94

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CORRECTIONS

Reported by: Senator Bustin of Kennebec

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**STATE OF MAINE
SENATE
116TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 240, L.D. 733, Bill, "An Act to Amend the Laws Governing Protective Custody"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 34-B MRSA §3863, sub-§2-A is enacted to read:

2-A. Custody agreement. A state, county or municipal law enforcement agency may meet with representatives of those public and private health practitioners and health care facilities that are willing and qualified to perform the certifying examination required by this section in order to attempt to work out a procedure for the custody of the person who is to be examined while that person is waiting for that examination. Any agreement must be written and signed by and filed with all participating parties. In the event of failure to work out an agreement that is satisfactory to all participating parties, the procedures of section 3862 and this section continue to apply.

As part of an agreement the law enforcement officer requesting certification may transfer protective custody of the person for whom the certification is requested to another law enforcement officer or a health officer if that officer agrees. Any

COMMITTEE AMENDMENT

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2 arrangement of this sort must be part of the written agreement
3 between the law enforcement agency and the health care agency.
4 In the event of a transfer, the law enforcement officer seeking
5 the transfer shall provide the written application required by
6 this section.'

8 **STATEMENT OF FACT**

10 Currently, if a law enforcement officer takes a person into
11 protective custody, the officer is required to remain with the
12 person at the mental health facility awaiting examination. The
13 original bill transfers responsibility for a person in protective
14 custody to the facility once the law enforcement officer has
15 completed an application for emergency admission.

16 This amendment replaces the bill and allows law enforcement
17 agencies and health facilities to attempt to work out a solution
18 to the custody issue. The amendment allows protective custody to
19 be transferred from the law enforcement officer requesting the
20 examination to another law enforcement officer or a health
21 officer.
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