

MAINE STATE LEGISLATURE

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DATE: 5/5/99

L.D. 1538
(Filing No. H-400)

JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1091, L.D. 1538, Bill, "An Act to Grant Immunity to Medical Professionals Conducting Body Cavity Searches for Drugs"

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

'Sec. 1. 5 MRSA §200-G, sub-§3 is enacted to read:

3. Immunity. A person is immune from criminal or civil liability for an act or omission in conducting a body cavity search if:

A. The body cavity search is pursuant to a search warrant directing the body cavity search;

B. The person is authorized to conduct a body cavity search under the rules adopted pursuant to subsection 1; and

C. The person uses due care in conducting the body cavity search.

Nothing in this subsection requires a person authorized to conduct body cavity searches to conduct a body cavity search pursuant to a search warrant.'

Further amend the bill by inserting at the end before the summary the following:

COMMITTEE AMENDMENT

R. 48.

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FISCAL NOTE

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SUMMARY

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This bill may decrease the number of civil suits filed in the court system. The Judicial Department may realize some minor savings from reductions of workload and administrative costs associated with the minimal number of cases that will no longer be filed. Reductions in the collection of filing fees may decrease General Fund revenue by minor amounts.'

This amendment replaces the bill. It amends the current law on body cavity searches.

Current law requires the Attorney General to adopt rules establishing standards for body cavity searches of arrestees. The rules authorize only medically trained personnel, specifically, licensed physicians and registered nurses, to conduct body cavity searches. This amendment provides immunity to persons authorized by the rules to conduct body cavity searches if the person, exercising due care, conducts a body cavity search pursuant to a search warrant directing a body cavity search.

This amendment also adds a fiscal note to the bill.