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Legislative Document

No. 1479

H.P. 1081

House of Representatives, April 4, 2019

An Act To Clarify Guardianship over Detainees under 18 Years of Age Regarding Mental Health Care

Submitted by the Department of Corrections pursuant to Joint Rule 204. Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

R(+ B. Hunt

ROBERT B. HUNT Clerk

Presented by Representative MORALES of South Portland. Cosponsored by Representative: BEEBE-CENTER of Rockland, Senator: DESCHAMBAULT of York. 1 Be it enacted by the People of the State of Maine as follows:

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Sec. 1. 34-A MRSA §3809-A, sub-§2, as amended by PL 1999, c. 583, §32, is
further amended to read:

2. Juvenile detainee. The commissioner has all the power over a juvenile detainee that a guardian has over a ward and that a parent has over a child with regard to necessary medical care <u>and necessary mental health care</u>. If a juvenile detainee is or becomes 18 years of age while still detained, the statutory guardianship of the commissioner over the juvenile detainee terminates, but the juvenile remains subject to the control of the commissioner, staff and rules of the facility until release from the facility.

10 Sec. 2. 34-A MRSA §4111, sub-§2, as amended by PL 2017, c. 148, §20, is 11 further amended to read:

2. Juvenile detainee. The commissioner has all the power over a juvenile detainee that a guardian has over a ward and that a parent has over a child with regard to necessary medical care <u>and necessary mental health care</u>. If a juvenile detainee is or becomes 18 years of age while still detained, the statutory guardianship of the commissioner over the juvenile detainee terminates, but the juvenile remains subject to the control of the commissioner and the staff and rules of the Mountain View Correctional Facility until release from the Mountain View Correctional Facility.

SUMMARY

This bill clarifies that the statutory guardianship power of the Commissioner of Corrections over detainees under 18 years of age extends not only to necessary medical care but also to necessary mental health care.