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CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
SENATE
132ND LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 845, L.D. 2058, “An Act to Require Municipal and County Jails to Be Available at All Times for Detention of Persons Arrested on Criminal Charges by Maine Law Enforcement Officers”

Amend the bill by striking out the title and substituting the following:

'An Act to Clarify the Requirement That Municipal and County Jails Be Available at All Times for Detention of Arrested Persons'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 25 MRSA §1502, 6th ¶, as amended by PL 1989, c. 757, is further amended to read:

Municipal and county jails shall at all times be available for detention of persons arrested by state or any other law enforcement officers, unless the persons are detained solely for a civil violation of federal immigration laws. In those municipalities where full-time supervision of the jail is not provided by the municipality, full responsibility for the safekeeping and welfare of any person detained ~~shall rest~~ rests solely with the arresting officer. Expense of any municipality or any damage to the jail resulting from the use of its jail by any arresting officer ~~shall~~ must be reimbursed to the municipality by the law enforcement agency for which the arresting officer is acting.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment, which is the majority report of the committee, changes the title and removes from the bill a provision that requires municipal and county jails to be available at all times for detention of persons arrested only on criminal charges by state law enforcement officers. The amendment instead retains current law that requires that the municipal and county jails be available at all times for detention of persons arrested by any

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1 state or any other law enforcement officer but adds an exception for persons detained solely
2 for civil immigration violations.