

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

H.P. 1081 - L.D. 1479

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

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

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 and necessary mental health care. 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.

Sec. 2. 34-A MRSA §4111, sub-§2, as amended by PL 2017, c. 148, §20, 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 and necessary mental health care. 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.