

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
FIRST SPECIAL SESSION

**LEGISLATIVE DIGEST OF BILL
SUMMARIES AND ENACTED LAWS**



Summaries of All Bills and Adopted Amendments and All Laws Enacted or Finally
Passed During the First Special Session of the 126th Maine Legislature

First Special Session convened Thursday, August 29, 2013
First Special Session adjourned sine die Thursday, August 29, 2013

Legislative Days 1
Bills Considered 6

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MAY 2014

STATE OF MAINE
126TH LEGISLATURE
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**LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS**

The *Digest* is arranged within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER..... carried over to a subsequent session of the Legislature
CON RES XXX chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES House & Senate disagreed; legislation died
DIED IN CONCURRENCE defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT action incomplete when session ended; legislation died
EMERGENCY enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE..... emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT..... legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY..... ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public Law
RESOLVE XXX chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

Legislation enacted in the First Special Session of the 126th Legislature was either an emergency measure or a General Fund bond proposal subject to voter approval.

Joint Standing Committee on Appropriations and Financial Affairs

of Maine System.

This bond issue was approved by the voters in the statewide election held in November 2013.

LD 1095 An Act To Authorize a General Fund Bond Issue To Improve Highways, Bridges and Multimodal Facilities PUBLIC 429

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLOOD THERIAULT	OTP-AM	S-373

This bill was carried over from the First Regular Session of the 126th Legislature.

The bill authorizes a bond issue in the amount of \$100,000,000 to be used for reconstruction and rehabilitation of highways and bridges and for facilities or equipment related to ports, harbors, marine transportation, freight and passenger railroads, aviation and transit, matching an estimated \$154,000,000 in federal and other funds.

Committee Amendment "A" (S-373)

This amendment provides for a bond issue in the amount of \$100,000,000 to be used for transportation projects, such as for the reconstruction and rehabilitation of highways and bridges and for facilities or equipment related to ports, harbors, marine transportation, freight and passenger railroads, aviation and transit, matching an estimated \$154,000,000 in federal and other funds.

This amendment decreases the amount of the bonds provided for in the bill for highway and bridge projects but maintains the total bonding of \$100,000,000 by increasing the bond amounts for intermodal improvements.

Enacted Law Summary

Public Law 2013, chapter 429 authorizes a bond issue in the amount of \$100,000,000 to be used for transportation projects, such as the reconstruction and rehabilitation of highways and bridges and for facilities or equipment related to ports, harbors, marine transportation, freight and passenger railroads, aviation and transit, matching an estimated \$154,000,000 in federal and other funds.

This bond issue was approved by the voters in the statewide election held in November 2013.

**LD 1515 An Act To Increase the Availability of Mental Health Services PUBLIC 434
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY	OTP-AM	H-585

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Criminal Justice and Public Safety, then removed from the Special Appropriations Table and committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to the next Special or Regular Session of the 126th Legislature.

This bill authorizes the Commissioner of Corrections to:

1. Under certain circumstances, transfer an adult jail inmate to a correctional facility for the purpose of providing the inmate with mental health services;

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2. Accept placement in a mental health unit of a correctional facility for observation of an adult defendant who has been committed to the custody of the Commissioner of Health and Human Services;
3. Accept placement in a mental health unit of a correctional facility for hospital-level care and treatment of an adult defendant who has been found incompetent to stand trial and committed to the custody of the Commissioner of Health and Human Services; and
4. Under certain circumstances, medicate a person with mental illness residing in a correctional or detention facility without that person's consent, subject to the person's right to have a court hearing prior to being involuntarily medicated or a court hearing after the issuance of an ex parte court order in an emergency situation.

Committee Amendment "B" (H-585)

This amendment replaces the bill and makes the following changes:

1. It clarifies the conditions permitting involuntary medication of a person with mental illness residing in a mental health unit of a Department of Corrections correctional facility;
2. It adds a repeal date of August 1, 2017 to the new involuntary medication provisions and the new transfer and placement provisions;
3. It requires the Department of Health and Human Services and the Department of Corrections to report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by January 15, 2015 regarding the operations of a correctional facility's mental health unit. The report must include specified data and any recommendations for reallocation of resources or the redesign of services of the mental health unit, the forensic services provided at Riverview Psychiatric Center and the transfer provisions of Title 34-A, sections 3069-A, 3069-B and 3069-C;
4. It requires the Department of Corrections, by January 15, 2015, to submit a report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding the number of applications submitted and orders granted pursuant to Title 34-A, section 3049;
5. It requires the Department of Health and Human Services to submit a plan by January 15, 2015 to assess and meet the needs of persons who have traumatic or acquired brain injuries and to present a report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by January 15, 2015. The department is also required to submit periodic reports to the Joint Standing Committee on Health and Human Services regarding the issues outlined in the 2013 report on Riverview Psychiatric Center by the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services and the department's plans to remedy the issues identified;
6. It establishes the Forensic Mental Health Services Oversight Committee to oversee the expansion of the Mental Health Unit at the Maine State Prison; and
7. It adds an emergency preamble and an emergency clause to the bill.

Enacted Law Summary

Public Law 2013, chapter 434 authorizes the Commissioner of Corrections, under certain circumstances, to transfer an adult jail inmate to a correctional facility for the purpose of providing the inmate with mental health services; accept placement in a mental health unit of a correctional facility for observation of an adult defendant who has been committed to the custody of the Commissioner of Health and Human Services; accept placement in a mental health unit of a correctional facility for hospital-level care and treatment of an adult defendant who has been found incompetent to stand trial and committed to the custody of the Commissioner of Health and Human Services; and, under certain circumstances, medicate a person with mental illness residing in a correctional or detention facility

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without that person's consent, subject to the person's right to have a court hearing prior to being involuntarily medicated or a court hearing after the issuance of an ex parte court order in an emergency situation.

The law includes a repeal date of August 1, 2017 for the new involuntary medication provisions and the new transfer and placement provisions.

The law requires the Department of Health and Human Services and the Department of Corrections to report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by January 15, 2015 regarding the operations of a correctional facility's mental health unit. The report must include specified data and any recommendations for reallocation of resources or the redesign of services of the mental health unit, the forensic services provided at Riverview Psychiatric Center and the transfer provisions of Title 34-A, sections 3069-A, 3069-B and 3069-C.

The law requires the Department of Corrections, by January 15, 2015 to submit a report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding the number of applications submitted and orders granted pursuant to Title 34-A, section 3049.

The law requires the Department of Health and Human Services to submit a plan by January 15, 2015 to assess and meet the needs of persons who have traumatic or acquired brain injuries and to present a report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by January 15, 2015. The department is also required to submit periodic reports to the Joint Standing Committee on Health and Human Services regarding the issues outlined in the 2013 report on Riverview Psychiatric Center by the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services and the department's plans to remedy the issues identified.

The law establishes the Forensic Mental Health Services Oversight Committee to oversee the expansion of the Mental Health Unit at the Maine State Prison.

Public Law 2013, chapter 434 was enacted as an emergency measure effective September 6, 2013.