

MAINE STATE LEGISLATURE

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L.D. 2542

(Filing No. H-718)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
113TH LEGISLATURE
SECOND REGULAR SESSION

7 COMMITTEE AMENDMENT "^A" to H.P. 1857, L.D. 2542,
8 Bill, "AN ACT to Amend the Statutes Pertaining to the
9 Emergency Treatment and Continuing Supervision of
10 Chemically Dependent Persons."

11 Amend the bill in section 1 in subsection 4-A, in
12 the 3rd line (page 2, line 24 in L.D.) by striking out
13 the following: "alcohol and" and inserting in its
14 place the following: 'alcohol or'

15 Further amend the bill in section 8 in that part
16 designated "§7118." by striking out all of subsection
17 2 and inserting in its place the following:

18 '2. Chemically dependent person. A law
19 enforcement officer who has reasonable grounds to
20 believe, based upon the officer's personal
21 observation, that a person may be chemically dependent
22 may take that person into protective custody and
23 bring that person to an approved detoxification
24 facility for emergency treatment. If no approved
25 detoxification facility is readily available, the
26 person shall be taken to an emergency medical
27 facility. The law enforcement officer shall make
28 every reasonable effort to protect the person's health
29 and safety while that person is in protective
30 custody. In taking the person into protective
31 custody, the detaining officer may take reasonable
32 steps in the interests of self-protection. Use of

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1 protective custody under this section is not an
2 arrest. No entry or other record may be made to
3 indicate that the person has been arrested or charged
4 with a crime.'

5 Further amend the bill in section 8 in that part
6 designated "§7118." in subsection 3, in the first line
7 (page 6, line 11 in L.D.) by striking out the
8 following: "Voluntary" and inserting in its place the
9 following: 'Examination; voluntary'

10 Further amend the bill in section 8 in that part
11 designated "§7118." in subsection 3, in the 4th line
12 (page 6, line 14 in L.D.) by striking out the
13 following: "forthwith" and inserting in its place the
14 following: 'within 24 hours'

15 Further amend the bill in section 8 in that part
16 designated "§7118." in subsection 4 in the 4th line
17 (page 6, line 22 in L.D.) by striking out the
18 underlined figure "72" and inserting in its place the
19 following: '18'

20 Further amend the bill in section 8 in that part
21 designated "§7118." in subsection 4 in the last line
22 (page 6, line 25 in L.D.) by inserting after the
23 following: "it" the following: 'is'

24 Further amend the bill in section 8 in that part
25 designated "§7118." by striking out all of subsection
26 7 and inserting in its place the following:

27 '7. Official duty. Nothing in this subsection is
28 intended to limit or to waive any provisions of the
29 Maine Tort Claims Act.'

30 Further amend the bill in section 8 in that part
31 designated "§7118." in subsection 8 by adding at the
32 end the following: 'No further diagnosis or treatment
33 may be given to the patient without the patient's
34 consent unless committed under section 7119-A.'

35 Further amend the bill in section 10 in that part
36 designated "§7119-A." in subsection 2, in paragraph A,
37 in the first line (page 7, line 29 in L.D.) by
38 inserting after the underlined word "district" the

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1 following: 'or county'

2 Further amend the bill in section 10 in that part
3 designated "§7119-A." in subsection 2, in paragraph B,
4 in the first line (page 7, line 33 in L.D.) by
5 inserting after the underlined word "district" the
6 following: 'or county'

7 Further amend the bill in section 10 in that part
8 designated "§7119-A." in subsection 2, in paragraph B,
9 in the 3rd line (page 8, line 1 in L.D.) by inserting
10 after the underlined word "district" the following:
11 'or county'

12 Further amend the bill in section 10 in that part
13 designated "§7119-A." in subsection 4, in paragraph F,
14 in the last line (page 8, line 29 in L.D.) by
15 inserting after the following: "supervision;" the
16 following: 'and'

17 Further amend the bill in section 10 in that part
18 designated "§7119-A." in subsection 4, in paragraph G,
19 in the last line (page 8, line 33 in L.D.) by striking
20 out the following: "and"

21 Further amend the bill in section 10 in that part
22 designated "§7119-A." in subsection 4, by striking out
23 all of paragraph H.

24 Further amend the bill in section 10 in that part
25 designated "§7119-A." in subsection 6, in paragraph B,
26 in the next to the last line (page 10, line 2 in L.D.)
27 by inserting after the following: "for" the following:
28 'no more than'

29 Further amend the bill in section 12 in that part
30 designated "§7120-A." in subsection 2, in paragraph C,
31 in the 2nd line (page 10, line 33 in L.D.) by striking
32 out the following: "further" and inserting in its
33 place the following: 'significant'

34 Further amend the bill in section 12 in that part
35 designated "§7120-A." by striking out all of
36 subsection 3.

37 Further amend the bill in section 12 in that part

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1 designated "§7120-A." in subsection 4 in the 5th line
2 (page 11, line 22 in L.D.) by striking the following:
3 "proceeding" and inserting in its place the following:
4 'action brought'

5 Further amend the bill in section 12 in that part
6 designated "§7120-A." by renumbering the subsections
7 to read consecutively.

8 Further amend the bill in section 12 in that part
9 designated "§7120-B." subsection 1 in the first line
10 (page 12, line 7 in L.D.) by inserting after the
11 following: "of petition" the following: 'and notice of
12 hearing'

13 Further amend the bill in section 12 in that part
14 designated "§7120-B." subsection 1 in the 2nd line
15 (page 12, line 8 in L.D.) by inserting after the
16 following: "7119-A" the following: 'and notice of
17 hearing'

18 Further amend the bill by inserting after section
19 14 the following:

20 'Sec. 15. Appropriation. The following funds
21 are appropriated from the General Fund to carry out
22 the purposes of this Act.

23 1988-89

24 HUMAN SERVICES,
25 DEPARTMENT OF

26 Bureau of Social Services

27	Positions	(3)
28	Personal Services	\$ 43,748
29	All Other	133,980
30	Capital Expenditures	2,125

31 Provides funds for 2
32 caseworkers, one
33 clerk-typist II,
34 additional treatment
35 services and related
36 costs.

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1	DEPARTMENT OF HUMAN SERVICES	
2	TOTAL	<u>\$179,853</u>
3	<u>JUDICIAL DEPARTMENT</u>	
4	Courts - Supreme, Superior,	
5	District and Administrative	
6	All Other	\$25,625
7	Provides 6-month's	
8	funding for court	
9	appointed attorneys,	
10	medical examination	
11	fees and training.	
12	JUDICIAL DEPARTMENT	
13	TOTAL	<u>\$25,625</u>
14		
15	TOTAL APPROPRIATIONS	<u>\$205,478</u>

16 Further amend the bill by renumbering the sections
17 to read consecutively.

18 STATEMENT OF FACT

19 This amendment makes several technical changes and
20 clarifies some vague terms. The amendment also makes
21 some substantive changes.

22 A person who is brought to a detoxification
23 facility must be examined by a physician within 24
24 hours. No time was given in the original bill. A
25 person may not be detained for longer than 18 hours
26 after admission unless committed by judicial process.
27 This time limit was 72 hours in the original bill.
28 These changes now parallel the Maine Revised Statutes,
29 Title 34-B, for involuntary commitment of mentally ill
30 persons.

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1 Section 7120-A, subsection 3, which allows a
2 method of waiver of a certifying examination has been
3 deleted in this amendment.

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Reported by the Committee on Human Resources
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