

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 1223

S.P. 414

In Senate, March 30, 2017

### **An Act To Facilitate the Continued Operation of the Department of Corrections Intensive Mental Health Unit**

(EMERGENCY)

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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.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator ROSEN of Hancock.  
Cosponsored by Representative LONGSTAFF of Waterville and  
Representative: GERRISH of Lebanon.

1           **Emergency preamble. Whereas,** acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3           **Whereas,** this legislation continues in effect certain laws relating to the Department  
4 of Corrections that, if repealed before the expiration of the 90-day period as provided in  
5 current law, would create significant difficulties in the administration of the Department  
6 of Corrections; and

7           **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
8 the meaning of the Constitution of Maine and require the following legislation as  
9 immediately necessary for the preservation of the public peace, health and safety; now,  
10 therefore,

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

12           **Sec. 1. 34-A MRSA §1001, sub-§11-B,** as enacted by PL 2013, c. 434, §2, is  
13 amended to read:

14           **11-B. Likelihood of serious harm.** "Likelihood of serious harm" means a:

15           A. Substantial risk of physical harm to a person, as manifested by that person's recent  
16 threats of, or attempts at, suicide or serious self-inflicted harm;

17           B. Substantial risk of physical harm to other persons, as manifested by a person's  
18 recent homicidal or other violent behavior or recent conduct placing others in  
19 reasonable fear of serious physical harm; or

20           C. Reasonable certainty that a person will suffer severe physical or mental harm as  
21 manifested by that person's recent behavior demonstrating an inability to avoid risk or  
22 to protect the person's self adequately from impairment or injury.

23           ~~This subsection is repealed August 1, 2017.~~

24           **Sec. 2. 34-A MRSA §1001, sub-§12-A,** as enacted by PL 2013, c. 434, §3, is  
25 amended to read:

26           **12-A. Person with mental illness.** "Person with mental illness" means a person who  
27 has attained 18 years of age and has been diagnosed as having a psychiatric or other  
28 illness that substantially impairs that person's mental health. An intellectual disability as  
29 defined in Title 34-B, section 5001, subsection 3 or a personality disorder is not a  
30 psychiatric or other illness for purposes of this subsection. ~~This subsection is repealed~~  
31 ~~August 1, 2017.~~

32           **Sec. 3. 34-A MRSA §3049, sub-§8,** as enacted by PL 2013, c. 434, §4, is  
33 repealed.

34           **Sec. 4. 34-A MRSA §3069-A, sub-§6,** as enacted by PL 2013, c. 434, §5, is  
35 repealed.

36           **Sec. 5. 34-A MRSA §3069-B, sub-§6,** as enacted by PL 2013, c. 434, §6, is  
37 repealed.

