

MAINE STATE LEGISLATURE

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ACTS, RESOLVES AND CONSTITUTIONAL RESOLUTIONS

AS PASSED BY THE

One Hundred and Sixth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature

1973

CHAPTER 349

AN ACT to Provide for Notice Upon Release or Change of Status of a Patient in a State Mental Institution.

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

Sec. 1. R. S., T. 34, § 2374, amended. Section 2374 of Title 34 of the Revised Statutes, as repealed and replaced by chapter 141 of the public laws of 1969, is amended by adding a new paragraph at the end, to read as follows:

The head of a public hospital, whenever one of the above situations specified in this section exists, shall immediately notify the legal guardian, spouse or adult next of kin of the patient, if any is known, that such action has or will take place, unless the patient requests in writing that such notice not be given, or unless the patient was transferred from and will be returned to a state correctional facility.

Sec. 2. R. S., T. 34, § 2375, amended. Section 2375 of Title 34 of the Revised Statutes is amended by adding after the 2nd sentence, a new sentence to read as follows:

Prior to such release, the head of a public hospital shall notify the legal guardian, spouse or adult next of kin, if any, of the patient, of intent to release the patient on convalescent status, and of the plan of treatment, if any, unless the patient requests in writing that such notice not be given.

Sec. 3. R. S., T. 34, § 2375, amended. Section 2375 of Title 34 of the Revised Statutes is amended by adding at the end a new paragraph, to read as follows:

If the convalescent status of a patient in a public hospital is to be changed, either because of a decision of the head of the hospital or because of a request made by a voluntary patient, the head of a public hospital shall immediately notify the legal guardian, spouse or adult next of kin if any, of the patient, of the contemplated change, unless the patient requests in writing that such notice not be given. If the change in convalescent status is due to the request of a voluntary patient, this notice must be given within 10 days after the request is received.

Sec. 4. R. S., T. 34, § 2376, amended. Section 2376 of Title 34 of the Revised Statutes is amended by adding after the first paragraph a new paragraph to read as follows:

When such a request shall be received from a patient in a public hospital, the head of such public hospital shall notify the legal guardian, spouse or adult next of kin of the request and of his intended response thereto, unless the patient requests in writing that such notice not be given. Such notice must be given within 10 days following the request.

Sec. 5. R. S., T. 34, § 2154, amended. Section 2154 of Title 34 of the Revised Statutes is amended by adding the following new sentence after the 2nd sentence, to read as follows:

No such patient shall be allowed to leave the institution temporarily until notice of such conditional release and the new location of the patient has been given to the legal guardian or adult next of kin, if any, of the patient, unless the patient requests, in writing, that such notice not be given.

Effective October 3, 1973

CHAPTER 350

AN ACT Relating to Displaying of Fireworks on Sunday.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, several Maine communities are having anniversary celebrations this summer and it is essential that such communities be permitted to display fireworks on Sunday; and

Whereas, the following legislation is necessary to permit such displays this coming summer; and

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

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

R. S., T. 17, § 3204, amended. The 2nd paragraph of section 3204 of Title 17 of the Revised Statutes, as amended by section 2 of chapter 334 of the public laws of 1971, is further amended to read as follows:

This section shall not apply to: The operation or maintenance of common, contract and private carriers; taxi cabs; airplanes; newspapers; radio and television stations; hotels, motels, rooming houses, tourist and trailer camps; restaurants; garages and motor vehicle service stations; retail monument dealers; automatic laundries; drug stores; greenhouses; seasonal stands engaged in sale of farm produce, dairy products, sea food or Christmas trees; public utilities; industries normally kept in continuous operation, including but not limited to pulp and paper plants and textile plants; processing plants handling agricultural produce or products of the sea; ship chandleries; marinas; establishments primarily selling boats, boating equipment, sporting equipment, souvenirs and novelties; motion picture theatres; public dancing; sports and athletic events; **displaying or exploding fireworks under Title 8, chapter 9**; musical concerts; religious, educational, scientific or philosophical lectures; scenic, historic, recreational and amusement facilities; real estate brokers and real estate salesmen; provided that this section shall not exempt the businesses or facilities specified in sections 3205, 3206 and 3207 from closing in any municipality until the requirements of those sections have been met; stores wherein no more than 5 persons, including the proprietor, are employed in the usual and regular conduct of business; stores which have no more than 5,000 square feet of interior customer selling space, excluding back room storage, office and processing space.