

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
OCTOBER 9, 1991

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1991

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**PUBLIC LAWS**  
**OF THE**  
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B. Actions to clean up soils and ground water and remove hazardous substances from an uncontrolled site; and

C. Replacement of water supplies contaminated or threatened by hazardous substances.

The department may exercise the right of eminent domain in the manner described in Title 35-A, chapter 65, to take and hold real property for any of the purposes described in this subsection. The commissioner shall report on the circumstances of any taking by eminent domain to the joint standing committee of the Legislature having jurisdiction over natural resource matters during the next regular session following the acquisition of any property by eminent domain. The department may transfer or convey to any person real property or any interest in real property once acquired.

**Sec. 3. 38 MRSA §1367, first ¶**, as enacted by PL 1983, c. 569, §1, is amended to read:

Each responsible party is jointly and severally liable for all costs incurred by the State for the abatement, ~~clean-up~~ cleanup or mitigation of the threats or hazards posed or potentially posed by an uncontrolled site, including, without limitation, all costs of acquiring property, and for damages for injury to, destruction of or loss of natural resources of the State resulting from hazardous substances at the site or from the acts or omissions of a responsible party with respect to those hazardous substances. The commissioner shall demand reimbursement of costs and payment of damages to be recovered under this section and payment ~~shall~~ must be made promptly by the responsible party or parties upon whom the demand is made. If payment is not received by the State within 30 days of the demand, the Requests for reimbursement to the Uncontrolled Sites Fund, if not paid within 30 days of demand, may be turned over to the Attorney General for collection or may be submitted to a collection agency or agent or an attorney retained by the department with the approval of the Attorney General pursuant to Title 5, section 191. The Attorney General or an attorney retained by the department may file suit in the Superior Court and, in addition to relief provided by other law, may seek punitive damages. Notwithstanding the time limits stated in this paragraph, neither a demand nor other recovery efforts against one responsible party may relieve any other responsible party of liability.

See title page for effective date.

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## CHAPTER 313

H.P. 1020 - L.D. 1493

### An Act to Regulate Fines for Prohibited Acts Concerning the Use of Public Ways and Parking Areas Maintained by the State

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

**34-B MRSA §1411, sub-§4**, as enacted by PL 1983, c. 459, §7, is repealed and the following enacted in its place:

**4. Prohibited acts; forfeitures.** A person who violates any rule adopted under this section commits a civil violation for which a forfeiture may be adjudged in an amount consistent with the amount charged for a similar violation by the municipality in which the institution is located, but not to exceed the maximum amount provided for a traffic infraction under Title 29, section 2303, subsection 1. Notwithstanding any other law, the fines and costs of court paid under this section inure to the municipality in which the proceedings take place.

See title page for effective date.

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## CHAPTER 314

S.P. 569 - L.D. 1489

### An Act to Make Miscellaneous Changes to the Maine Revised Statutes, Title 34-A

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

**Sec. 1. 34-A MRSA §1001, sub-§1**, as enacted by PL 1983, c. 459, §6, is amended to read:

**1. Chief administrative officer.** “Chief administrative officer of a correctional facility” means the head of a correctional facility, including, but not limited to: or a detention facility.

~~A. The Warden of the Maine State Prison;~~

~~B. The Superintendent of the Maine Correctional Center;~~

~~C. The Director of the Charleston Correctional Facility; and~~

~~D. The Superintendent of the Maine Youth Center.~~

**Sec. 2. 34-A MRSA §1001, sub-§1-A** is enacted to read:

**1-A. Client.** “Client” means any person in the custody or under the supervision of the department, including, but not limited to, a prisoner, juvenile client, contract client, probationer, parolee, juvenile detainee and an informally adjusted juvenile.

**Sec. 3. 34-A MRSA §1001, sub-§3**, as enacted by PL 1983, c. 459, §6, is repealed.

**Sec. 4. 34-A MRSA §1001, sub-§5**, as enacted by PL 1983, c. 459, §6, is amended to read:

**5. Contract client.** "Contract client" means a ~~committed offender~~ client residing in a facility or participating in a program outside the jurisdiction of the department under an agreement between the department and the contract agency.

**Sec. 5. 34-A MRSA §1001, sub-§6**, as amended by PL 1989, c. 898, §3, is further amended to read:

**6. Correctional facility.** "Correctional facility" means ~~the Maine State Prison, Maine Correctional Center, Charleston Correctional Facility, Downeast Correctional Facility, community restitution centers, Maine Youth Center or any other entity~~ facility that falls under the jurisdiction of the department, but does not include a county jail, holding facility or, short-term detention area or a detention facility.

**Sec. 6. 34-A MRSA §1001, sub-§§8-A and 11-A** are enacted to read:

**8-A. Detention facility.** "Detention facility" means the Northern Maine Regional Juvenile Detention Facility.

**11-A. Juvenile detainee.** "Juvenile detainee" means a juvenile detained at the Maine Youth Center or a detention facility pending a court proceeding, pending a preliminary hearing under Title 17-A, section 1205 or pursuant to Title 15, section 3314, subsection 1, paragraph H.

**Sec. 7. 34-A MRSA §1001, sub-§14**, as enacted by PL 1983, c. 459, §6, is repealed and the following enacted in its place:

**14. Prisoner.** "Prisoner" means an adult person sentenced and committed to, transferred to or detained in the custody of the department, including, where the context indicates, a person under intensive supervision.

**Sec. 8. 34-A MRSA §1001, sub-§16**, as enacted by PL 1983, c. 459, §6, is amended to read:

**16. Segregation.** "Segregation" means the separation of a ~~committed offender~~ prisoner from the general population of a correctional facility for administrative or punitive reasons.

**Sec. 9. 34-A MRSA §1201**, as enacted by PL 1983, c. 459, §6, is amended to read:

#### §1201. Legislative intent

Recognizing the need to firmly control all of the ~~state's~~ State's correctional and detention facilities, provide for the safety of ~~guards~~ staff and ~~committed offenders~~ clients, undertake appropriate programming for

the classification, education, rehabilitation and maintenance of ~~committed offenders~~ clients and assure an effective system for the supervision of parolees and probationers, it is the intent of the Legislature to create a Department of Corrections to improve the administration of correctional facilities, programs and services for ~~committed offenders~~ clients.

**Sec. 10. 34-A MRSA §1203, sub-§1**, as amended by PL 1987, c. 744, §10, is further amend to read:

**1. Establishment.** The Office of Advocacy is established within the department to investigate the claims and grievances of ~~committed offenders, informally adjusted juveniles and contract~~ clients, to investigate, in conjunction with the Department of Human Services, as appropriate, allegations of adult and child abuse or neglect in correctional facilities and detention facilities and to advocate for compliance by the department, any correctional facility, any detention facility or any contract agency with all laws, administrative rules and institutional and other policies relating to the rights and dignity of ~~committed offenders, informally adjusted juveniles and contract~~ clients.

**Sec. 11. 34-A MRSA §1203, sub-§3, ¶¶A, B and C**, as enacted by PL 1983, c. 459, §6, are amended to read:

A. Receive or refer complaints made by ~~committed offenders, informally adjusted juveniles and contract~~ clients;

B. Intercede on behalf of these persons with officials of the department, any correctional facility, any detention facility or any contract agency or assist these persons in the initiation of grievance proceedings established by the commissioner under section 1402, subsection 5;

C. ~~As~~ Act as an information source regarding the rights of these persons, keep informed about all laws, administrative rules and institutional and other policies relating to the rights and dignity of these persons and about relevant legal decisions and other developments related to the field of corrections, both in this State and in other parts of the country; and

**Sec. 12. 34-A MRSA §1203, sub-§4, ¶B**, as enacted by PL 1983, c. 459, §6, is amended to read:

B. Have access, limited only by the law, to the files, records and personnel of the department, any correctional facility, any detention facility or any contract agency.

**Sec. 13. 34-A MRSA §1203, sub-§5, ¶A**, as enacted by PL 1983, c. 459, §6, is amended to read:

A. Any request by a ~~committed offender, informally adjusted juvenile or contract~~ client for action by the

office and all written records or accounts related to the request ~~shall be~~ are confidential as to the identity of the requesting person.

**Sec. 14. 34-A MRSA §1204-A, sub-§1, ¶E**, as enacted by PL 1989, c. 808, §3, is amended to read:

E. Eight other members appointed by the Governor, including at least:

- (1) One full-time nonadministrative employee from the state correctional system;
- (2) One former ~~inmate~~ prisoner of the correctional system;
- (3) One person representing victims of crimes; and
- (4) Two members of the public.

**Sec. 15. 34-A MRSA §1205, sub-§3, ¶C**, as enacted by PL 1987, c. 445, §1, is amended to read:

C. The commissioner shall pay for additional expenses incurred by the counties in providing security and transportation services to ~~committed offenders~~ clients who commit new offenses while serving their sentences in state correctional facilities. The effective date of this paragraph is July 1, 1989.

**Sec. 16. 34-A MRSA §1208-A**, as enacted by PL 1989, c. 321, §2, is amended to read:

**§1208-A. Standards for additional accommodations**

The commissioner shall establish standards for facilities not covered by section 1208 ~~which that~~ are used to house county prisoners, including secure detention facilities as defined in Title 15, section 3003, subsection 24-A and temporary holding resources as defined in Title 15, section 3003, subsection 26 and has the same power to enforce those standards as provided under section 1208.

**Sec. 17. 34-A MRSA §1402, sub-§1**, as enacted by PL 1983, c. 459, §6, is amended to read:

**1. General.** The commissioner ~~shall have~~ has general supervision, management and control of the research and planning, grounds, buildings, property, officers, employees and ~~committed offenders~~ clients of any correctional facility, detention facility or correctional program.

**Sec. 18. 34-A MRSA §1402, sub-§3, ¶B**, as enacted by PL 1983, c. 459, §6, is amended to read:

B. The central principle underlying all rules, regulations, procedures and practices relating to ~~committed offenders~~ clients is that the ~~committed offenders~~ shall clients retain all rights of an ordinary citizen,

except those expressly or by necessary implication taken from them by law.

**Sec. 19. 34-A MRSA §1402, sub-§5**, as enacted by PL 1983, c. 459, §6, is amended to read:

**5. Grievance procedures.** The commissioner shall establish procedures for hearing grievances of ~~committed offenders, informally-adjusted juveniles and contract clients~~ as described in section 1203.

**Sec. 20. 34-A MRSA §1402, sub-§§7 and 8**, as enacted by PL 1987, c. 744, §11, are amended to read:

**7. Abuse allegations in correctional and detention facilities.** The commissioner ~~shall be~~ is responsible for ensuring appropriate intervention and remediation in cases of substantiated abuse and neglect in correctional and detention facilities. The commissioner shall ensure, through inspection at least every 2 years, that all correctional and detention facilities meet applicable federal and state standards relating to the health and safety of clients of these facilities.

**8. Allegations of child abuse or neglect in correctional and detention facilities.** The commissioner ~~shall be~~ is responsible for the investigation of all reports of suspected child abuse or neglect in correctional and detention facilities.

A. These investigations ~~shall~~ must be conducted with the Department of Human Services, as appropriate, and, in cases where there are allegations or indications of criminal conduct, with the Department of the Attorney General, as appropriate.

B. The commissioner shall negotiate joint working agreements with the Department of Human Services and the Department of the Attorney General concerning procedures and respective responsibilities for conducting investigations of allegations of child abuse or neglect in correctional and detention facilities.

**Sec. 21. 34-A MRSA §1403, sub-§1**, as enacted by PL 1983, c. 459, §6, is amended to read:

**1. General powers.** The commissioner may perform any legal act relating to the care, custody, treatment, relief and improvement of ~~committed offenders~~ clients or may purchase residential services when the department's correctional and detention facilities do not provide the appropriate services for the ~~committed offender~~ client.

**Sec. 22. 34-A MRSA §1403, sub-§3, ¶¶A and B**, as enacted by PL 1983, c. 459, §6, are amended to read:

A. Unless a specific statute otherwise directs, the commissioner may delegate powers and duties given

under this Title to the associate commissioner and to chief administrative officers of ~~correctional facilities~~.

B. The commissioner may empower the associate commissioner and chief administrative officers of ~~correctional facilities~~ to further delegate powers and duties delegated to them by the commissioner.

**Sec. 23. 34-A MRSA §1403, sub-§3, ¶B-1** is enacted to read:

B-1. Unless a specific statute otherwise directs, the commissioner may empower chief administrative officers to delegate powers and duties given to them by chapter 3.

**Sec. 24. 34-A MRSA §1403, sub-§5**, as enacted by PL 1989, c. 459, §6, is amended to read:

**5. Lease of unused buildings.** The commissioner may, with the approval of the Director of Public Improvements, lease unused buildings at the correctional and detention facilities for the purposes of providing services to ~~committed offenders~~ clients.

A. The leases ~~shall~~ must be for a period not to exceed one year.

B. The commissioner shall submit a plan of the proposed leases and their impact on the correctional and detention facilities and ~~committed offenders~~ clients to the joint standing committee of the Legislature having jurisdiction over ~~health and institutional services~~ corrections no later than January 31st of each year.

**Sec. 25. 34-A MRSA §1403, sub-§6**, as enacted by PL 1983, c. 581, §§12 and 59, is amended to read:

**6. Acceptance or conveyance of donated personal property.** The commissioner may accept donations of personal property to be used at a correctional or detention facility. If, at a later date, the donated property ceases to be useful to the correctional or detention facility, the commissioner may sell the property and use the proceeds for the benefit of the correctional or detention facility to which the property was originally donated.

**Sec. 26. 34-A MRSA §3001**, as enacted by PL 1983, c. 459, §6, is amended to read:

### **§3001. Chief administrative officers**

**1. Appointment.** The commissioner may appoint chief administrative officers of ~~correctional facilities~~ as necessary for the proper performance of the functions of the department.

A. To be eligible for appointment as a chief administrative officer of a ~~correctional facility~~, a person must

be experienced in the management of the particular type of ~~correctional facility~~ to which he that person is assigned.

B. Chief administrative officers of ~~correctional facilities~~ shall report directly to the commissioner.

**2. Acting chief administrative officer.** Notwithstanding any other provision of law, the commissioner may delegate any employee of the department to serve as the acting chief administrative officer of any ~~correctional~~ facility, if the office of the chief administrative officer of the facility is vacant.

A. The acting chief administrative officer shall serve for a period not to exceed 180 days.

B. Service as the acting chief administrative officer of a ~~correctional~~ facility is considered a temporary additional duty for the person so delegated.

**Sec. 27. 34-A MRSA §3003, sub-§1**, as amended by PL 1987, c. 633, §§2 and 3, is further amended to read:

**1. Limited disclosure.** All orders of commitment, medical and administrative records, applications and reports, and facts contained in them, pertaining to any person receiving services from the department, ~~shall~~ must be kept confidential and may not be disclosed by any person, except that criminal history record information may be disseminated in accordance with Title 16, chapter 3, subchapter VIII, and documents, other than those documents pertaining to information obtained by the department for the purpose of evaluating a ~~committed offender's~~ client's ability to participate in a community-based program or from informants in a correctional or detention facility for the purpose of determining whether prison facility rules have been violated, or a victim's request for notice of release, may be disclosed:

A. To any person, if the person receiving services, ~~his that person's~~ legal guardian, if any, or, if he that person is a minor, ~~his that person's~~ parent or legal guardian, gives ~~his~~ informed written consent to the disclosure of the documents referred to in this subsection after being given the opportunity to review the documents sought to be disclosed;

B. To any state agency if necessary to carry out the statutory functions of that agency;

C. If ordered by a court of record, subject to any limitation in the Maine Rules of Evidence, Rule 503; and

D. To any criminal justice agency if necessary to carry out the administration of criminal justice, the administration of juvenile criminal justice or for criminal justice agency employment.

**Sec. 28. 34-A MRSA §3004**, as enacted by PL 1983, c 459, §6, is amended to read:

**§3004. Legal actions**

**1. Contract actions.** Actions founded on any contract made with the State Purchasing Agent, or with any official of the department under the authority granted by the State Purchasing Agent, on behalf of a correctional or detention facility may be brought by the official making the contract or ~~his~~ the official's successor in office.

**2. Actions for injuries to property.** Actions for injuries to the real or personal property of the State, used by any correctional or detention facility and under the management of an officer of the facility, may be prosecuted in the name of the officer or ~~his~~ the officer's successor in office.

**Sec. 29. 34-A MRSA §3005, first ¶**, as enacted by PL 1983, c. 459, §6, is amended to read:

When emergency situations are certified by the chief administrative officer to exist at a correctional or detention facility, the commissioner may, with the approval of the Governor, assign personnel as may be necessary from another facility or division of the department to assist in controlling the emergency situation.

**Sec. 30. 34-A MRSA §3007, first ¶**, as enacted by PL 1983, c. 459, §6, is amended to read:

The chief administrative officer of each correctional or detention facility shall provide in at least one accessible area in each facility an appropriate space for the posting of written political material sent for that purpose to the chief administrative officer by candidates for state office or federal office in this State.

**Sec. 31. 34-A MRSA §3009, sub-§1**, as enacted by PL 1989, c. 459, §6, is amended to read:

**1. Rules.** The chief administrative officers of correctional or detention facilities may ~~promulgate~~ adopt and enforce rules, subject to the approval of the commissioner, governing the use of public ways and parking areas maintained by the State at the facilities.

A. The rules shall ~~must~~ be ~~promulgated~~ adopted in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375.

B. The Secretary of State shall forward a copy of the rules, attested under the Great Seal of the State of Maine, to the District Court in the area of jurisdiction.

**Sec. 32. 34-A MRSA §3009, sub-§2**, as amended by PL 1985, c. 785, Pt. B, §153, is further amended to read:

**2. Special police officers.** The chief administrative officers of correctional or detention facilities may appoint and employ, subject to the Civil Service Law, special police officers for the purpose of enforcing rules promulgated under subsection 1.

A. The special police officers shall:

- (1) Patrol all the public ways and parking areas subject to this section;
- (2) Enforce rules promulgated under this section; and
- (3) Arrest and prosecute violators of the rules.

B. The State Police, sheriffs, deputy sheriffs, police officers and constables who have jurisdiction over the areas in which the correctional or detention facilities are located shall, insofar as possible, cooperate with the special police officers in the enforcement of the rules promulgated under subsection 1.

**Sec. 33. 34-A MRSA §3009, sub-§3**, as enacted by PL 1983, c. 459, §6, is amended to read:

**3. Court procedure.** The District Court, in the areas in which the ~~correctional~~ facilities are located, has jurisdiction in all proceedings brought under this section.

A. The District Court shall take judicial notice of all rules promulgated under subsection 1.

B. In any prosecution for a violation of the rules, the complaint may allege the offense as in prosecutions under a general statute and need not recite the rule.

**Sec. 34. 34-A MRSA §3031, first ¶**, as enacted by PL 1983, c. 459, §6, is amended to read:

Any person residing in a correctional or detention facility has a right to:

**Sec. 35. 34-A MRSA §3031, sub-§2**, as amended by PL 1987, c. 276, is further amended to read:

**2. Medical care.** Adequate professional medical care, not including medical treatment requested by the ~~committed offender which~~ client that the correctional facility's treating physician deems determines unnecessary. The State may bring a civil action in any court of competent jurisdiction to recover the cost of any medical, dental, psychiatric or psychological expenses incurred by the State on behalf of any ~~committed offender~~ client incarcerated in a ~~correctional~~ facility. The following assets are not subject to judgment under this subsection:

A. Joint ownership, if any, that the ~~offender~~ client may have in real property;



B. Joint ownership, if any, that the ~~offender~~ client may have in any assets, earnings or other sources of income; and

C. The income, assets, earnings or other property, both real and personal, owned by the ~~offender's~~ client's spouse or family.

**Sec. 36. 34-A MRSA §3032, first ¶,** as enacted by PL 1983, c. 459, §6, is amended to read:

The commissioner shall ~~promulgate~~ adopt rules describing disciplinary offenses and punishments in ~~correctional~~ facilities under the general administrative supervision of the department and establishing a fair and orderly procedure for processing disciplinary complaints. The rules ~~shall~~ must conform to the following requirements.

**Sec. 37. 34-A MRSA §3032, sub-§5, ¶B,** as amended by PL 1985, c. 352, §3, is further amended to read:

B. Punishment at the Maine Youth Center and any detention facility may consist of ~~seclusion, in accordance with section 3809,~~ warnings, restitution, labor at any lawful work and loss of privileges.

**Sec. 38. 34-A MRSA §3032, sub-§5-A,** as enacted by PL 1985, c. 352, §4, is amended to read:

**5-A. Restitution.** The imposition of restitution at all ~~correctional~~ facilities ~~shall be~~ is subject to the following conditions.

A. Restitution may be imposed for the purpose of replacing or repairing property destroyed or damaged by the ~~inmate~~ prisoner or juvenile while ~~he~~ the ~~prisoner or juvenile~~ is at the institution. When restitution is imposed as a punishment at a ~~correctional~~ facility, any prisoner; or any juvenile ~~committed to the Maine Youth Center or who is committed to the custody of the Department of Corrections and placed at the Maine Youth Center,~~ who is subject to that punishment and who is able to generate income from whatever source, shall pay 25% of that income to the facility where the damage occurred. The facility shall collect that income and apply it to defray the cost of replacement or repair of the items destroyed or damaged. Restitution ~~shall~~ is not be authorized if the imposition of that punishment would create an excessive financial hardship, as determined by the department, on the dependents of the ~~offender~~ client. Any payments made for the support of the dependents ~~which~~ that is required by the Department of Human Services ~~shall~~ is not be available for restitution payments.

B. ~~An inmate~~ A prisoner or juvenile who is transferred to another facility remains liable for any resti-

tution authorized under this chapter. The facility receiving the ~~inmate~~ prisoner or juvenile ~~shall~~ must collect the restitution and transfer it to the facility where the damage occurred.

**Sec. 39. 34-A MRSA §3032, sub-§6,** as amended by PL 1987, c. 299, is further amended to read:

**6. Impartial hearing.** If the punishment may affect the term of commitment, sentence or parole eligibility or may involve restitution, labor at any lawful work or segregation, the chief administrative officer of the facility shall, before imposing punishment, provide an impartial hearing at which the ~~committed-offender~~ client has the following rights.

A. ~~He~~ The client is entitled to be informed in writing of the specific nature of ~~his~~ the alleged misconduct.

B. ~~He~~ The client is entitled to the right to be present at the hearing, except that ~~he~~ the client may be prevented from attending or be removed if ~~his~~ the client's behavior indicates that ~~he~~ the client is in danger of self-injury or a danger to ~~himself,~~ other persons or property.

C. ~~He~~ The client is entitled to present evidence on ~~his own~~ the client's behalf.

D. ~~He~~ The client is entitled to call one or more witnesses, which right may not be unreasonably withheld or restricted.

E. ~~He~~ The client is entitled to question any witness who testifies at the hearing, which right may not be unreasonably withheld or restricted.

F. ~~He~~ The client is entitled to be represented by counsel substitute as prescribed in the rules.

G. A record ~~shall~~ must be maintained of all disciplinary complaints, hearings, proceedings and dispositions.

H. ~~He~~ The client is entitled to appeal the final disposition, before imposition of punishment, to the chief administrative officer of the ~~correctional~~ facility.

I. If, at any stage of the proceedings, ~~he~~ the client is cleared of the charges in a complaint, or the complaint is withdrawn, all documentation relating to the complaint ~~shall~~ must be expunged.

**Sec. 40. 34-A MRSA §3035,** as amended by PL 1987, c. 729, §§1 and 2, is further amended to read:

#### **§3035. Rehabilitative programs**

The commissioner may adopt, implement and establish rules for rehabilitative programs, including work

release, restitution and furlough, as authorized by Title 17-A, chapter 54, within the ~~correctional~~ facilities under ~~his~~ the commissioner's control.

**1. Work release and restitution.** The chief administrative officer of a ~~correctional facility~~ may permit any ~~committed-offender client~~ under sentence to the department and any juvenile client considered to be worthy of trust to participate in activities outside the facility under the following conditions.

- A. Activities may include training and employment.
- B. Activities are subject to rules promulgated by the commissioner.
- C. Activities ~~shall~~ must, in the judgment of the chief administrative officer, contribute to the reformation of the ~~committed-offender client~~ and assist in preparing ~~him~~ the client for eventual release.
- D. Transportation to work release job sites ~~shall~~ must be arranged by the commissioner.
  - (1) ~~Prisoners~~ Clients participating in the work release program ~~shall~~ must be assessed an equitable share of the cost of the transportation.
  - (2) Funds received from ~~prisoners~~ clients for work release transportation ~~shall~~ must be placed in the General Fund.
- E. Every ~~prisoner~~ client participating in the work release program ~~shall be~~ is liable for the cost of ~~his~~ board in the ~~correctional~~ facility.
  - (1) The reasonable cost of board for a ~~prisoner~~ client in a ~~correctional~~ facility ~~shall be~~ is fixed by the commissioner. In fixing the reasonable cost of the board to be paid, the commissioner shall take into consideration other state laws or judicial determinations ~~which~~ that affect the ~~prisoner's~~ client's income.
  - (2) Funds received from ~~prisoners~~ clients for the board ~~shall~~ must be placed in the General Fund.

**2. Furlough.** Subject to subsection 5, the commissioner may grant to a ~~committed-offender client~~ under sentence to the department and a juvenile client furlough from the facility in which ~~he~~ the client is confined under the following conditions.

- A. Furlough may only be granted subject to rules adopted by the commissioner.
- B. Furlough may be granted for not more than 10 days at one time for a visit to a dying relative, for attendance at the funeral of a relative, for the con-

tacting of prospective employers or for any other reason consistent with the rehabilitation of a ~~committed offender~~ client.

C. Furlough may be granted for the obtaining of medical services for a period longer than 10 days if medically required.

**3. Copy of rules.** Copies of rules ~~shall~~ must be provided to ~~committed-offenders~~ clients as follows.

A. The chief administrative office of a facility adopting a rehabilitative program under this section shall provide, to any ~~committed-offender client~~ permitted outside a facility under this section; a copy of the rules of the commissioner applicable to the program in which ~~he~~ the client is permitted to participate; or to ~~his~~ the client's furlough.

B. The ~~committed-offender client~~ shall attest to the receipt of the copy of the rules.

**4. Prohibited acts.** Prohibited acts under this section are governed as follows.

A. A person who ~~has passed his 17th birthday~~ is 17 years of age or older is guilty of interference with a rehabilitative program or furlough if ~~he~~ the person willfully obstructs, intimidates or otherwise abets any ~~committed-offender client~~ participating in a program, or on furlough, under this section, and thereby contributes or causes the ~~committed-offender client~~ to violate the terms of ~~his~~ the client's program participation or furlough, after having been warned by the chief administrative officer of the facility to end the relationship or association with the ~~committed-offender client~~.

B. Interference with a rehabilitative program or furlough is a Class E crime, except that, notwithstanding Title 17-A, the court may sentence a person to imprisonment for not more than 11 months.

**5. Time served before furlough.** No furlough may be granted until the ~~offender client~~ has served 50% of the original sentence imposed, after consideration of any good time that the ~~offender client~~ has received and retained under Title 17-A, section 1253. This section does not apply to furloughs granted under subsection 2, paragraph B or C.

**Sec. 41. 34-A MRSA §3036, sub-§2,** as enacted by PL 1983, c. 459, §6, is amended to read:

**2. Participation.** ~~Committed-offenders~~ Clients at any correctional or detention facility or at any county jail may be paroled, furloughed, transferred or entrusted to participate in the halfway house program in accordance with applicable provisions of law.

**Sec. 42. 34-A MRSA §3037, sub-§1**, as enacted by PL 1983, c. 459, §6, is amended to read:

**1. Requirement.** The commissioner may require a physical and mental examination of any ~~committed-offender~~ client.

**Sec. 43. 34-A MRSA §3038, first ¶**, as enacted by PL 1983, c. 459, §6, is amended to read:

The administration of medication in ~~correctional~~ facilities operated by the department ~~shall~~ must be in accordance with rules established by the State Board of Nursing.

**Sec. 44. 34-A MRSA §3038-A, sub-§1**, as amended by PL 1989, c. 127, §10, is further amended to read:

**1. Commitment of child.** If a ~~committed-offender~~ client, at the time of commitment to the custody of the Department of Corrections, is the parent of and is providing exclusive care for any child who might otherwise be left without proper care or guardianship, the judge committing that ~~offender~~ client shall cause the child to be committed to:

A. A children's home provided by law for the child's care or guardianship;

B. The care and custody of some relative or proper person willing to assume the care; or

C. The custody of the Department of Human Services.

**Sec. 45. 34-A MRSA §3039**, as repealed and replaced by PL 1983, c. 581, §§21 and 59, is amended to read:

### §3039. Clients' money

When any ~~committed-offender~~ client confined in a correctional or detention facility receives money from any source, including compensation for work authorized under other sections of Maine law or by a policy of the department, the money ~~shall~~ must be deposited in that ~~correctional~~ facility's ~~committed-offenders'~~ clients' account.

**1. Accounts.** The chief administrative officer shall promulgate rules for use of the ~~committed-offenders'~~ clients' account. These rules ~~shall~~ must include a provision allowing ~~an inmate a client~~ to remove ~~his~~ that client's money from the ~~committed-offenders'~~ clients' account and place it in any type of investment outside the ~~correctional~~ facility ~~that he chooses~~ chosen by the client. The chief administrative officer shall keep a record of all money in the ~~committed-offenders'~~ clients' account and ~~shall be~~ is responsible for safekeeping of the money

while the ~~committed-offender~~ client is in the custody of the department and for the delivery of that money to the ~~committed-offender~~ client upon ~~his~~ the client's discharge.

**2. Interest.** Any interest accruing as a result of the deposit of that money in the ~~committed-offenders'~~ clients' account may, after first being used to defray expenses of the account, be expended by the chief administrative officer of the ~~correctional~~ facility for the general welfare of all ~~inmates~~ clients at that facility.

**3. Use.** During ~~his commitment~~ the client's confinement, any ~~committed-offender~~ client may use ~~his~~ that client's money in the ~~committed-offenders'~~ clients' account by authorizing the ~~warden~~ chief administrative officer to disburse the money in accordance with the rules governing the ~~committed-offenders'~~ clients' account.

**Sec. 46. 34-A MRSA §3040**, as enacted by PL 1983, c. 459, §6, is amended to read:

### §3040. Clients' abandoned property

Any property abandoned or unclaimed by a ~~committed-offender~~ client in a correctional or detention facility ~~shall~~ must be disposed of according to Title 33, chapter 27.

**Sec. 47. 34-A MRSA §3040-A**, as enacted by PL 1983, c. 581, §§22 and 59, is amended to read:

### §3040-A. Property of deceased clients

Property remaining in a correctional or detention facility as a result of a ~~committed-offender's~~ client's death is governed as follows.

**1. Payment.** Except as provided in paragraph D, if any ~~committed-offender~~ client under the control of the department dies, leaving on deposit in the ~~committed-offenders'~~ clients' account at a correctional or detention facility an amount not exceeding \$1,000, and no personal representative of ~~his~~ the client's estate is appointed, the chief administrative officer may pay the balance of ~~his~~ the client's account to the surviving spouse or next of kin in accordance with the Probate Code, Title 18-A, sections 2-101 to 2-114, to the funeral director having any bill outstanding for the burial of the decedent or to other preferred creditor or creditors who may appear to be entitled thereto, and shall deliver personal property in ~~his~~ the chief administrative officer's custody to the surviving spouse or next of kin in accordance with the Probate Code, Title 18-A, sections 2-101 to 2-114.

**2. Time of payment.** Payments or delivery pursuant to subsection 1 ~~shall~~ may not be made until 60 days have elapsed following the date of death of the ~~committed-offender~~ client.

**3. Liability of payment.** For any payment or delivery made pursuant to subsections 1 and 2, the chief administrative officer or ~~his~~ the chief administrative officer's designee acting under this section may not be held liable to the decedent's personal representative thereafter appointed, or to ~~his~~ the decedent's heirs, successors or assigns.

**4. Alternative payment.** Notwithstanding subsection 1, upon presentation of an affidavit under Title 18-A, section 3-1201, the chief administrative officer shall pay the balance of any deposit in the ~~committed-offenders' clients'~~ account at a correctional or detention facility and deliver ~~his~~ the decedent's personal property to the ~~committed-offender's client's~~ successor under Title 18-A, sections 3-1201 and 3-1202. The payments under this paragraph shall take precedence over payments under subsection 1 to the extent of the balance of the deposits in the ~~committed-offenders' clients'~~ account and the personal property remaining in the custody of the chief administrative officer at the time the affidavit is presented.

**Sec. 48. 34-A MRSA §3044, sub-§1,** as repealed and replaced by PL 1983, c. 581, §§24 and 59, is amended to read:

**1. Escapees.** The commissioner shall take all proper measures for, and may, with the approval of the Governor, offer a reward for the apprehension and return of any ~~committed-offender client~~ in any correctional or detention facility who has escaped from the control of the department.

A. The reward may not exceed \$1,000.

B. Upon satisfactory proof that the terms of the reward offer have been complied with, the Governor may draw ~~his~~ a warrant upon the Treasurer of State for the payment of the reward.

**Sec. 49. 34-A MRSA §3045,** as enacted by PL 1983, c. 459, §6, is amended to read:

**§3045. Unnatural death of client**

When the death of any ~~committed-offender client~~ in any correctional or detention facility is not clearly the result of natural causes, an examination and inquest ~~shall~~ must be held as in other cases, and the commissioner or the chief administrative officer of the facility shall cause a medical examiner to be immediately notified for that purpose.

**Sec. 50. 34-A MRSA §3046, first ¶,** as enacted by PL 1983, c. 581, §§25 and 59, is amended to read:

At the discretion of and under conditions prescribed by the commissioner, a ~~committed-offender client~~ con-

fined in a correctional or detention facility may attend the funeral of ~~his~~ the client's spouse, or ~~his~~ natural or adoptive mother, father, son, daughter, grandfather or grandmother, grandchild, brother or sister, or may be permitted deathbed visits to any of those persons, if the funeral or visit is held within the State.

**Sec. 51. 34-A MRSA §3046, sub-§2,** as enacted by PL 1983, c. 581, §§25 and 59, is amended to read:

**2. Costs.** The ~~prisoner client,~~ prisoner if able, shall pay the cost of transportation and the per diem compensation of the accompanying officers if the officers are required by the commissioner.

**Sec. 52. 34-A MRSA §3047,** as enacted by PL 1983, c. 581, §§25 and 59, is amended to read:

**§3047. Discharge or parole**

When any ~~committed-offender~~ prisoner sentenced to the department is paroled or discharged, the commissioner:

**1. Clothing.** Shall ~~insure~~ ensure that the ~~offender~~ prisoner is provided with decent clothing;

**2. Money.** May give the ~~offender~~ prisoner no more than \$50, except that the commissioner may not give money to a ~~committed-offender~~ prisoner who:

A. Has, within the 6 months prior to the date of his parole or discharge, transferred from ~~his correctional facilities'~~ the clients' account to any person more than \$500, excluding any money transferred for the support of ~~his~~ dependents; or

B. Has, on the date of his parole or discharge, more than \$500 in personal assets.

**3. Transportation.** Shall furnish transportation to the place where the ~~offender~~ prisoner was convicted, except that:

A. If the ~~committed-offender's~~ prisoner's home is within the State, transportation ~~shall~~ must be furnished to ~~his~~ the prisoner's home;

B. If the ~~committed-offender~~ prisoner has secured employment within the State, transportation ~~shall~~ must be furnished to the place of employment;

C. If the ~~committed-offender's~~ prisoner's home is outside the State, or if the ~~committed-offender~~ prisoner has secured employment outside the State, transportation ~~shall~~ must be furnished to the place on the Maine border nearest the place of employment; or

D. If the ~~committed-offender~~ prisoner requests a reasonable place nearer the place of incarceration

than any of the foregoing, transportation ~~shall~~ must be furnished to that place; or

**4. Extreme circumstances.** May, in extreme circumstances, if the ~~committed-offender's~~ prisoner's home is outside the State, or if the ~~committed-offender~~ prisoner has secured employment outside the State, furnish transportation to the ~~committed-offender's~~ prisoner's home or place of employment.

**Sec. 53. 34-A MRSA §3061, sub-§1**, as repealed and replaced by PL 1983, c. 581, §§26 and 59, is amended to read:

**1. Juveniles; exception.** The commissioner may transfer any ~~committed-offender~~ client from one correctional or detention facility or program, including prerelease centers, work release centers, halfway houses or specialized treatment facilities, to another, provided except that no juvenile may be transferred to another facility or program for adult offenders.

**Sec. 54. 34-A MRSA §3062, sub-§1**, as repealed and replaced by PL 1983, c. 581, §§27 and 59, is amended to read:

**1. Requirements.** The commissioner may transfer any ~~committed-offender~~ prisoner sentenced to the department to a federal penal or correctional institution if the United States Bureau of Prisons accepts the commissioner's application for transfer of the ~~committed-offender~~ prisoner.

**Sec. 55. 34-A MRSA §3062, sub-§2, ¶¶A and B**, as enacted by PL 1983, c. 459, §6, are amended to read:

A. The contract ~~shall~~ must provide for the reimbursement of the United States in full for all costs or other expenses involved, the costs and expenses to be paid from the appropriation for the operation of the ~~prison~~ correctional facility.

B. The ~~warden~~ chief administrative officer shall affix to the contract a copy of the mittimus or mittimuses under which the prisoner is held.

**Sec. 56. 34-A MRSA §3063**, as repealed and replaced by PL 1983, c. 581, §§28 and 59, is amended to read:

#### **§3063. Transfer to jails**

**1. Requirements.** The commissioner may authorize the transfer of ~~committed-offenders~~ prisoners sentenced to the department to any county jail.

**2. Jailer's compensation.** The jailer who receives prisoners under subsection 1 is entitled to receive whatever compensation from the State Treasury that ~~he~~ the jailer and the commissioner agree upon.

**3. Return to a correctional facility.** When the commissioner determines that the ~~committed-offender~~ prisoner should be returned to a correctional facility, ~~he~~ the commissioner shall transfer the ~~committed-offender~~ prisoner back to such a facility.

**4. Applicable rules.** Any person transferred under this section ~~shall be~~ is subject to the general rules of the jail to which ~~he~~ the person is transferred, except that:

A. The term of ~~his~~ the original sentence or commitment remains the same unless altered by the court;

B. The person becomes eligible for release and discharge as provided in Title 17-A, section 1254;

C. ~~Committed-offenders~~ Prisoners are entitled to have the time served in jail under this section deducted from their sentences; and

D. A prisoner transferred pursuant to this section remains eligible for programs authorized by section 3035 and may apply pursuant to the rules governing the correctional facility from which ~~he~~ the prisoner was transferred.

**Sec. 57. 34-A MRSA §3069**, as enacted by PL 1983, c. 459, §6, is amended to read:

#### **§3069. Hospitalization for mental illness**

**1. Involuntary.** When the chief administrative officer of a correctional or detention facility believes that any person in ~~his~~ the facility is mentally ill, requires hospitalization and meets requirements for admission, the chief administrative officer shall make application in accordance with Title 34-B, section 3863.

A. Any person with respect to whom an application and certification under Title 34-B, section 3863 are made may be admitted to either state mental health institute.

B. Except as otherwise specifically provided in this section, Title 34-B, chapter 3, subchapter IV, Article III, is applicable to the person as if the admission of the person were applied for under Title 34-B, section 3863.

C. A copy of the document by which the person is held in the ~~correctional~~ facility ~~shall~~ must accompany the application for admission.

D. If the sentence being served at the time of admission has not expired or commitment has not been terminated in accordance with law at the time the person is ready for discharge from hospitalization, ~~he~~ shall the person must be returned by the appropriate officers of the correctional or detention facility.

E. Admission to a hospital under this section has no effect upon a sentence then being served or a commitment then in effect. The sentence continues to run and the commitment remains in force, unless terminated in accordance with law.

**2. Voluntary.** The chief administrative officer of a correctional or detention facility may permit a person confined in the facility to apply for informal admission to a state mental health institute under Title 34-B, section 3831.

A. Except as otherwise provided in this section, the provisions of law applicable to persons admitted to a state mental health institute under Title 34-B, chapter 3, subchapter IV, Article II, ~~shall~~ apply to any person confined in a correctional or detention facility who is admitted to a state mental health institute under that section.

B. A copy of the document by which the person is held in the ~~correctional~~ facility ~~shall~~ must accompany the application for admission.

C. If the sentence being served at the time of admission has not expired or commitment has not been terminated in accordance with law at the time the person is ready for discharge from hospitalization, ~~he shall~~ the person must be returned by the appropriate officers of the correctional or detention facility.

D. Admission to a mental health institute under this section has no effect upon a sentence then being served or a commitment then in effect. The sentence continues to run and the commitment remains in force, unless terminated in accordance with law.

**Sec. 58. 34-A MRSA §3070, sub-§§1, 2 and 4,** as enacted by PL 1983, c. 459, §6, are amended to read:

**1. Application.** When the chief administrative officer of a correctional or detention facility believes that any person confined in ~~his~~ the facility is mentally retarded and in need of services available at the Pineland Center and is a proper subject for admission to the Pineland Center, ~~he~~ the chief administrative officer shall apply in writing for the admission of the person.

A. A copy of the document by which the person is held in the ~~correctional~~ facility ~~shall~~ must accompany the application for admission.

B. Admission to the Pineland Center ~~shall~~ must be effected in accordance with Title 34-B, sections 5473 to 5478.

**2. Unexpired sentence.** If the sentence being served at the time of admission has not expired or commitment has not been terminated in accordance with law at the

time the person is ready for discharge from the Pineland Center, ~~he shall~~ the person must be returned by the appropriate officers of the correctional or detention facility.

**4. Effect on sentence.** The sentences of hospitalized ~~prisoners~~ persons are governed as follows.

A. Admission to a hospital under this section has no effect upon a sentence then being served or a commitment then in effect.

B. The sentence continues to run and the commitment remains in force, unless terminated in accordance with law.

**Sec. 59. 34-A MRSA §3071, sub-§2,** as enacted by PL 1983, c. 459, §6, is amended to read:

**2. Contagious diseases.** If a pestilence or contagious disease breaks out among the ~~committed offenders~~ clients in any correctional or detention facility or county jail, the commissioner may:

A. Cause any of the ~~committed offenders~~ clients to be removed to some suitable place of security where they ~~shall~~ will receive all necessary care and medical attention; and

B. Cause the ~~committed offender~~ client or ~~offenders~~ clients to be returned as soon as possible to the jail or institution to be confined according to their sentences, if unexpired.

**Sec. 60. 34-A MRSA §3071, sub-§3,** as enacted by PL 1983, c. 459, §6, is repealed.

**Sec. 61. 34-A MRSA §3071, sub-§4,** as enacted by PL 1985, c. 752, §4, is amended to read:

**4. Civil action to recover certain costs.** The State may bring a civil action in any court of competent jurisdiction to recover the cost of any medical, dental, psychiatric or psychological expenses incurred by the State on behalf of a ~~committed offender~~ client under this section. The following assets are not subject to judgment under this subsection:

A. Joint ownership, if any, that the ~~offender~~ client may have in real property;

B. Joint ownership, if any, that the ~~offender~~ client may have in any assets, earnings or other sources of income; and

C. The income, assets, earnings or other property, both real and personal, owned by the ~~offender's~~ client's spouse or family.

**Sec. 62. 34-A MRSA §3201,** as enacted by PL 1983, c. 459, §6, is amended to read:

**§3201. Maintenance**

The commissioner shall maintain the Maine State Prison at Thomaston, in Knox County, as the prison and penitentiary of the State, and shall confine, employ and govern persons lawfully committed to the prison department, as provided by law.

**Sec. 63. 34-A MRSA §3403, sub-§1, ¶¶A and B**, as enacted by PL 1983, c. 459, §6, are amended to read:

A. The superintendent shall detain and confine all persons committed to the center department in accordance with the sentences of the courts and with the rules of the center department.

B. The superintendent shall provide for the safekeeping or employment of persons committed to the center department in order to teach them a useful trade or profession and to improve their mental and moral condition.

**Sec. 64. 34-A MRSA §3809**, as amended by PL 1983, c. 581, §§50 and 59, is repealed and the following enacted in its place:

**§3809. Observation**

**1. Generally.** When the behavior of a juvenile residing at the Maine Youth Center presents a high likelihood of imminent harm to that juvenile or to others, presents a substantial and imminent threat of destruction of property or demonstrates a proclivity to be absent from the facility without leave as evidenced by a stated intention to escape from the facility or by a recent attempted or actual escape from any detention or correctional facility, the juvenile may be placed under observation if the juvenile demonstrates that anything less restrictive would be ineffectual for the control of the juvenile's behavior.

**2. Conditions.** Placing a juvenile under observation is subject to the following conditions.

A. Placement under observation must first be approved by the superintendent.

B. The conditions under which a juvenile is placed under observation must conform with all applicable federal and state standards relating to the health and safety of clients in correctional facilities.

C. Placement under observation may not exceed the period of time necessary to alleviate and prevent the recurrence of the behavior described in subsection 1 and it may not be used as punishment.

D. When placement under observation exceeds 12 hours, the superintendent shall direct the facility physician or a member of the facility medical staff to visit

the juvenile immediately and at least once in each succeeding 24-hour period the juvenile remains under observation to examine the juvenile's state of health.

(1) The superintendent shall give full consideration to recommendations of the physician or medical staff member concerning the juvenile's dietary needs and the conditions of the juvenile's confinement required to maintain the juvenile's health. If the recommendations of the physician or medical staff member are not carried out, the superintendent shall immediately convey the reasons and circumstances for this decision to the commissioner for review and final disposition.

(2) Placement under observation must be discontinued if the superintendent on the advice of the physician determines that placement under observation is harmful to the mental or physical health of the juvenile, except that placement under observation may be continued if the behavior of the juvenile presents a high likelihood of imminent physical harm to that juvenile or others and there is no less restrictive setting in which that juvenile's safety or that of others can be ensured. If placement under observation is continued, the physician or a member of the medical staff shall visit the juvenile at least once every 12 hours.

E. When placement under observation exceeds 24 hours, the superintendent shall direct appropriate facility staff to develop a plan for the further care of the juvenile. The plan must be revised as needed to meet the changing needs of the juvenile.

F. Placement under observation may not exceed 72 hours without the commissioner's approval, which must:

(1) Be in writing;

(2) State the reasons for that approval; and

(3) Be kept on file.

G. If the recommendations of the physician or medical staff member regarding the juvenile's dietary or other health needs while under observation are not carried out, the superintendent shall send a written justification to the commissioner.

H. A juvenile held under observation must be under constant sight and sound supervision by facility staff.

**Sec. 65. 34-A MRSA §3814** is enacted to read:

**§3814. Transportation**

All court-ordered and court-related transportation of juvenile detainees to and from the Maine Youth Center is the responsibility of the sheriff of the county in which the court is located.

See title page for effective date.

**CHAPTER 315**

**H.P. 352 - L.D. 482**

**An Act to Protect Retail Sales Employees**

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

**17 MRSA §3204, 2nd ¶, as amended by 1989, I.B. 2, is further amended to read:**

This section ~~shall~~ does not apply to: The operation or maintenance of common, contract and private carriers; taxicabs; 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; machines that vend anything of value, including, but not limited to, a product, money or service; a satellite facility approved by the Superintendent of Banking under Title 9-B; or comparable facility approved by the appropriate federal authority; pharmacies; greenhouses; seasonal stands engaged in sale of farm produce, dairy products, sea food or Christmas trees; public utilities; industries normally kept in continuous operations, 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; bowling alleys; displaying or exploding fireworks, under Title 8, chapter 9 9-A; musical concerts; religious, educational, scientific or philosophical lectures; scenic, historic, recreational and amusement facilities; real estate brokers and real estate ~~salesmen~~ sales representatives; mobile home brokers and mobile home ~~salesmen~~ sales representatives; provided that this section ~~shall~~ does not exempt the businesses or facilities specified in sections 3205 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; and stores with more than 5,000 square feet of interior customer selling space which engage in retail sales and which do not require, as a condition of employment, that their employees work on Sundays. If an employer decreases the average weekly work hours of an employee who has declined to work on

Sundays, it is prima facie evidence that the employer has required Sunday work as a condition of employment in violation of this section, unless the employer and employee agreed that the employee would work on Sundays when the employee was initially hired. In no event, however, shall may any store having more than 5,000 square feet of interior customer selling space be open on Easter Day, Thanksgiving Day and Christmas Day.

See title page for effective date.

**CHAPTER 316**

**H.P. 1013 - L.D. 1481**

**An Act to Facilitate the Delivery of Family Support Services**

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

**Sec. 1. 5 MRSA §12004-I, sub-§§59-B and 59-C are enacted to read:**

<u>59-B.</u>	<u>Regional Family</u>	<u>Expenses</u>	<u>34-B MRSA</u>
<u>Mental Health</u>	<u>Support Councils</u>	<u>Only</u>	<u>§1804</u>
<u>and Mental</u>			
<u>Retardation</u>			

<u>59-C.</u>	<u>Maine Family</u>	<u>Expenses</u>	<u>34-B MRSA</u>
<u>Mental Health</u>	<u>Support Council</u>	<u>Only</u>	<u>§1805</u>
<u>and Mental</u>			
<u>Retardation</u>			

**Sec. 2. 34-B MRSA c. 1, sub-c. V is enacted to read:**

**SUBCHAPTER V**

**FAMILY SUPPORT SERVICES**

**§1801. Definitions**

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Crisis intervention.** “Crisis intervention” means an unplanned and temporary service necessary to alleviate a crisis and preserve the living arrangements of a person who receives services from the department.

**2. Family support services.** “Family support services” means services that enable a family, which is otherwise eligible to receive services from the department, to maintain and care for its minor or adult member at home. Family support services include but are not limited to the following:

**A. Dental and medical care;**