

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

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

J.S. McCarthy Company
Augusta, Maine
1995

that was performed negligently or in breach of any other legal duty.

See title page for effective date.

CHAPTER 142

S.P. 233 - L.D. 598

An Act to Establish Landowner Recognition Day

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

Sec. 1. 1 MRSA §133 is enacted to read:

§133. Landowner Recognition Day

The 3rd Saturday of September of each year is designated as Landowner Recognition Day and the Governor shall issue annually a proclamation inviting and urging the people of the State to observe this day in suitable places with appropriate activity.

See title page for effective date.

CHAPTER 143

H.P. 611 - L.D. 821

An Act to Amend the Laws Regarding the Procedures for Emergency Admissions to a Mental Hospital

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

Whereas, current laws do not authorize a law enforcement officer to transfer custody of a person for whom emergency admittance to a mental health institution is sought to the chief administrative officer of a nonstate mental health institution or to the chief administrative officer's designee; and

Whereas, this deficiency in the laws is a tremendous burden on law enforcement agencies as it forces law enforcement personnel to wait many hours at mental health institutions for emergency admittances, resulting in the waste of precious law enforcement resources and jeopardizing the protection that law enforcement agencies provide; 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 preserva-

tion of the public peace, health and safety; now, therefore,

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

Sec. 1. 34-B MRSA §3863, sub-§2-A, as enacted by PL 1993, c. 592, §1, is amended to read:

2-A. Custody agreement. A state, county or municipal law enforcement agency may meet with representatives of those public and private health practitioners and health care facilities that are willing and qualified to perform the certifying examination required by this section in order to attempt to work out a procedure for the custody of the person who is to be examined while that person is waiting for that examination. Any agreement must be written and signed by and filed with all participating parties. In the event of failure to work out an agreement that is satisfactory to all participating parties, the procedures of section 3862 and this section continue to apply.

As part of an agreement the law enforcement officer requesting certification may transfer protective custody of the person for whom the certification is requested to another law enforcement officer ~~or~~ a health officer if that officer agrees or the chief administrative officer of a public or private health practitioner or health facility or the chief administrative officer's designee. Any arrangement of this sort must be part of the written agreement between the law enforcement agency and the health ~~care agency practitioner or health care facility.~~ In the event of a transfer, the law enforcement officer seeking the transfer shall provide the written application required by this section.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective May 23, 1995.

CHAPTER 144

S.P. 316 - L.D. 897

An Act to Ban the Tripping of Equines

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

Sec. 1. 7 MRSA §3972, sub-§1, ~~¶¶D and E,~~ as enacted by PL 1987, c. 383, §3, are amended to read: