

# 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**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1995**

learning to include global and geographic education on the committee agenda.

**3. Exhibits.** The committee may sponsor exhibits of exemplary education programs and help teachers develop resources for development.

**4. Exchange programs.** The committee shall encourage the use and expansion of international exchange programs.

**5. Partnerships.** The committee shall create partnerships of public and private organizations to use individual, corporate, education and cultural resources to enhance global education in the schools. The committee shall seek involvement from the following organizations or their successors, the World Affairs Council of Maine, the Maine Economic Growth Council, the Maine World Trade Association, the Maine Council for Economic Education, the Maine Development Foundation, the Maine Geographic Alliance and sister state and city exchange programs.

**6. Grants.** The committee may make grants to elementary and secondary schools to improve the skills and knowledge of students for living and working in the increasingly global economy and to achieve outcomes consistent with Goals 2000, state learning results and economic development goals of the State. Grants must also be made available for professional development for teachers in global and geographic education.

**7. Funds.** The Maine Geographic Alliance, or its successor organization, is the fiscal agent for the Maine Committee for Global and Geographic Education and shall provide administrative, staff and other services to enable the committee to carry out its duties. The services must be specified by contract with the committee and funded by the Maine Geographic Alliance with funds appropriated to the alliance for this purpose.

### **§9803. Report**

The committee shall report annually to the Governor and to the Legislature on the results of its activities during the year including any recommendations to further the purpose of this chapter.

**Sec. 3. Transition.** This Act provides for the continuation of the Maine Committee for Global Education originally established in Resolve 1991, chapter 34. Members of the Maine Committee for Global Education appointed pursuant to Resolve 1991, chapter 34, Private and Special Law 1991, chapter 84 and Resolve 1993, chapter 23 continue to serve until their successors are appointed.

**Sec. 4. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1995-96

## **MAINE COMMITTEE FOR GLOBAL AND GEOGRAPHIC EDUCATION**

### **Maine Committee for Global and Geographic Education**

All Other	\$5,000
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Provides funds for grants to elementary and secondary schools to develop education for living and working in the global economy.

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

Effective July 3, 1995.

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## **CHAPTER 431**

**H.P. 1072 - L.D. 1507**

### **An Act to Prevent the Use of Correctional Facilities for the Detention of the Mentally Ill**

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

**Sec. 1. 15 MRSA §2211-A**, as amended by PL 1987, c. 402, Pt. A, §112, is repealed and the following enacted in its place:

#### **§2211-A. Persons confined; hospitalization for mental illness**

**1. Prohibition.** A person with serious mental illness may not be detained or confined solely because of that mental illness in any jail, prison or other detention or correctional facility unless that person is being detained or serving a sentence for commission of a crime.

**2. Application for hospitalization required.** A sheriff or other person responsible for any county or local detention or correctional facility who believes that a person confined in that facility is mentally ill and requires hospitalization shall apply, in writing, for the admission of that person to a hospital for the mentally ill, giving the reasons for requesting the

admission. The application and certification must be in accordance with the requirements of Title 34-B, section 3863.

**3. Terms of admission.** A person with respect to whom application and certification are made may be admitted to a hospital for the mentally ill. Except as otherwise specifically provided in this section, Title 34-B, chapter 3, subchapter IV, articles I and III, except section 3868, are applicable to a person admitted under this section as if the admission were applied for under Title 34-B, section 3863.

**4. No effect on sentence; jurisdiction retained.** Admission of a person to a hospital under this section has no effect on a sentence then being served, on an existing commitment on civil process or on detention pending any stage of a criminal proceeding in which that person is the defendant, and the court having jurisdiction retains its jurisdiction. The sentence continues to run and any commitment or detention remains in force unless terminated in accordance with law.

**5. Disposition of application and certification.** A copy of the document by which a person is held in confinement, attested by the sheriff or other person responsible for any county or local detention or correctional facility, must accompany the application for admission. Following that person's admission to a hospital for the mentally ill under this section, a copy of the application and certification similarly attested must be filed with the court having jurisdiction over any civil or criminal case in which that person is the defendant. If a criminal proceeding is pending against the person admitted, the clerk of the court shall forward a copy of the application and certification to the attorney for the defendant and the attorney for the State.

**6. Discharge from hospital.** If the sentence being served at the time of admission has not expired or commitment on civil process or detention has not been terminated in accordance with law at the time the person is ready for discharge from hospitalization, that person must be returned by the sheriff or deputy sheriff of the county from which the person was admitted to the facility from which the person was admitted.

**7. Transportation expenses.** The county where the incarceration originated shall pay all expenses incident to transportation of a person between the hospital and the detention or correctional facility pursuant to this section.

**8. Competency hearing.** Admission to a hospital under this section may not be used to examine or observe a person for the purpose of a criminal proceeding pending in court. Before the trial of a defendant admitted for hospitalization under this

section, the court may, at any time upon motion of the defendant's attorney or the attorney for the State or upon the court's own motion, hold a hearing with respect to the competence of that person to stand trial as provided in section 101-B and appropriate disposition may be made. The court's order following a hearing may terminate an admission effected under this section.

**9. Alternative; voluntary commitment.** If hospitalization is recommended by a licensed physician or licensed psychologist, a person confined in a county or local detention or correctional facility may apply for informal admission to a hospital for the mentally ill under Title 34-B, sections 3831 and 3832, in which case all other provisions of this section as to notice of status as an inmate of a county or local detention or correctional facility, notice to the court and counsel, transportation and expenses and the continuation and termination of sentence, commitment or detention apply. Except as otherwise provided in this section, the provisions of law applicable to persons admitted to a hospital for the mentally ill under Title 34-B, sections 3831 and 3832 apply to a person confined and admitted to a hospital for the mentally ill under those sections.

**Sec. 2. 34-B MRSA §1219** is enacted to read:

**§1219. State strategy for preventing imprisonment of persons with serious mental illness**

**1. Development of state strategy.** The department shall develop a comprehensive state strategy for preventing the inappropriate incarceration of seriously mentally ill individuals and for diverting those individuals away from the criminal justice system. This strategy must be developed with the active participation of other agencies and providers responsible for serving persons with serious mental illness, including: the Department of Human Services; the Department of Corrections; the Department of Human Services, Bureau of Medical Services; and representatives of community mental health centers, area shelters, other community providers, consumers of services and their families, providers of inpatient mental health services, advocates for consumers of mental health services, sheriffs' departments, the Office of Substance Abuse and the Department of Public Safety.

**2. Components of strategy.** The state strategy developed under subsection 1 must include, but is not limited to:

A. Identification of existing programs or creation of jail diversion and community mental health programs to serve persons with serious mental illness who have been charged with minor crimes that are a manifestation of their illness, including identification of financing

mechanisms for the programs and the services provided;

B. Systems for the evaluation of serious mental illness, within 24 hours of contact with the criminal justice system, of persons charged with minor crimes and timely referral of those persons identified as seriously mentally ill to appropriate community mental health programs;

C. Specific mechanisms for enabling police and correctional officers to communicate and consult on a timely basis with appropriate mental health personnel about specific cases;

D. Plans for conducting training, in conjunction with the Maine Criminal Justice Academy, of law enforcement and correctional personnel about serious mental illness and effective methods for evaluating, treating and managing persons with serious mental illness;

E. Plans for training mental health professionals who participate in state-funded, educational training programs to work with persons with serious mental illness in correctional facilities, including, but not limited to, on-site field experience in correctional facilities or jail diversion programs; and

F. Plans for providing comprehensive treatment, services and support to persons with serious mental illness following their release from correctional facilities.

**Sec. 3. 34-B MRSA §3604, sub-§4** is enacted to read:

**4. Cooperative planning required; grant recipients and correctional authorities.** As a condition for receipt of state mental health funding, providers of community mental health services to persons with serious mental illness shall develop with state and local correctional authorities cooperative plans for the provision of services to those persons. These plans must include at least the following:

A. Procedures for timely referral of persons with serious mental illness to community-based mental health services;

B. Provision for the treatment and support of persons with serious mental illness in correctional facilities and commitment of funds within available resources; and

C. Procedures for referrals of individuals with serious mental illness to local providers of comprehensive mental health services following release from correctional facilities, including mechanisms for developing comprehensive

treatment plans before the release from correctional facilities of persons with serious mental illness.

Providers of community mental health services and other public providers of comprehensive services to persons with serious mental illness that fail to participate in the development of plans to serve this population are not eligible for state funding for the provision of mental health services.

See title page for effective date.

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## CHAPTER 432

S.P. 77 - L.D. 165

### An Act to Require All Persons to Use Safety Belts in Motor Vehicles

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

**Sec. 1. 29-A MRSA §2081, sub-§3,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

**Sec. 2. 29-A MRSA §2081, sub-§3-A** is enacted to read:

**3-A. Other passengers; operators.** When a person 4 years of age or older is a passenger in a vehicle that is required by the United States Department of Transportation to be equipped with seat belts, the operator must have the person properly secured in a seat belt. The operator of a vehicle that is required by the United States Department of Transportation to be equipped with seat belts must be secured in the operator's seat belt.

**Sec. 3. 29-A MRSA §2081, sub-§4,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**4. Enforcement.** The following provisions apply to subsections 2 and 3 3-A.

A. The requirements do not apply to a passenger over one year of age when the number of passengers exceeds the vehicle seating capacity and all of the seat belts are in use.

A-1. The requirements of subsection 3-A do not apply to a driver or passenger who has a medical condition that, in the opinion of a physician, warrants an exemption from the requirements of subsection 3-A and that medical condition and opinion are documented by a certificate from that physician. That certificate is valid for 5 years.