

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**September 5, 1996 to September 7, 1996**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 1996 to March 27, 1997**

**FIRST SPECIAL SESSION**  
**March 27, 1997 to June 20, 1997**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 26, 1997**

**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 1997**

**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**  
**1997**

## CHAPTER 371

S.P. 495 - L.D. 1526

**An Act to Redefine the Community Services of the Mental Health System****Be it enacted by the People of the State of Maine as follows:****Sec. 1. 34-B MRSA §3607, first ¶**, as enacted by PL 1995, c. 691, §7, is amended to read:

The department shall establish 9 quality improvement councils to oversee the delivery of mental health services to children and adults under the authority of the department or who have a major mental illness.

**Sec. 2. 34-B MRSA §3607, sub-§1, ¶B**, as enacted by PL 1995, c. 691, §7, is amended to read:

B. "Consumer" means a recipient or former recipient of publicly funded mental health services or an adult who has or had a major mental illness.

**Sec. 3. 34-B MRSA §3607, sub-§1, ¶D-1** is enacted to read:

D-1. "Major mental illness" means a diagnosis of mental illness as defined by the department. Rules adopted pursuant to this paragraph are routine technical rules as defined by Title 5, chapter 375, subchapter II-A.

**Sec. 4. 34-B MRSA §3607, sub-§5**, as enacted by PL 1995, c. 691, §7, is amended to read:

**5. Duties.** By October 1, 1996, each council shall submit to the department a plan for the development, coordination and implementation of a local mental health system for the delivery of services to children and adults under the authority of the department and to their families. This plan must be updated every 2 years. By October 1, 1998, the updated plan of each council must include provisions for the development, coordination and implementation of a local mental health system for the delivery of services to children and adults who have a major mental illness. The department shall determine required elements of the plan, including but not limited to the following:

A. Case management, including advocacy activities and techniques for identifying and providing services to consumers at risk. Case management services must be independent of providers whenever possible;

B. Medication management, outpatient therapy, substance abuse treatment and other outpatient services;

C. In-home flexible supports, home-based crisis assistance, mobile outreach, respite and inpatient capacity and other crisis prevention and resolution services;

D. Housing, in-home support services, tenant training and support services, home ownership options and supported housing; and

E. Rehabilitation and vocational services, including transitional employment, supported education and job finding and coaching.

**Sec. 5. PL 1995, c. 691, §11** is amended to read:

**Sec. 11. Report.** The Commissioner of Mental Health, Mental Retardation and Substance Abuse Services shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1, 1997 and by January 1, 1998 on the operation of quality improvement councils as established in the Maine Revised Statutes, Title 34-B, section 3607 and local service networks as established in Title 34-B, section 3608 and shall include recommendations for improving the operations and any legislation necessary to accomplish those purposes. The 1998 report must include any recommendations or legislation necessary to accomplish plans for delivery of services to children and adults who have a major mental illness required by the Maine Revised Statutes, Title 34-B, section 3607, subsection 5. In preparing these recommendations or legislation, the commissioner shall examine the laws of other states that provide local mental health services to children and adults who have a major mental illness.

See title page for effective date.

## CHAPTER 372

H.P. 1105 - L.D. 1548

**An Act to Outlaw the Sale of Code Grabbers in the State****Be it enacted by the People of the State of Maine as follows:****Sec. 1. 17-A MRSA §403**, as enacted by PL 1975, c. 499, §1, is repealed and the following enacted in its place:**§403. Possession or transfer of burglar's tools**

1. A person is guilty of possession or transfer of burglar's tools if that person:

A. Possesses or makes any tool, implement, instrument or other article that is adapted, designed or commonly used for advancing or facilitating crimes involving unlawful entry into property or crimes involving forcible breaking of safes or other containers or depositories of property, including, but not limited to, an electronic device used as a code grabber or a master key designed to fit more than one lock, with intent to use such tool, implement, instrument or other article to commit any such criminal offense; or

B. Transfers or possesses with the intent to transfer any device described in paragraph A that that person knows is designed or primarily useful for the commission of a crime described in paragraph A.

2. Possession or transfer of burglar's tools in violation of subsection 1, paragraph B is a Class D crime. Possession or transfer of burglar's tools in violation of subsection 1, paragraph A is a Class E crime.

**Sec. 2. 17-A MRSA §907**, as amended by PL 1991, c. 548, Pt. A, §9, is further amended to read:

**§907. Possession or transfer of theft devices**

1. A person is guilty of possession or transfer of theft of services devices if that person:

A. ~~He possesses~~ Possesses or makes any device, instrument, apparatus or other article which that is designed or primarily useful for advancing or facilitating the commission of the theft of services, with the intent to use such device, instrument, apparatus or other article to commit any such criminal offense; or

B. ~~He transfers~~ Transfers or possesses with the intent to transfer any device described in paragraph A that he the person knows is designed or primarily useful for the commission of the theft of services.

2. Possession or transfer of theft of services devices in violation of subsection 1, paragraph B is a Class D crime; otherwise it is a Class E crime. Possession or transfer of theft devices in violation of subsection 1, paragraph A is a Class E crime.

See title page for effective date.

**CHAPTER 373**

**S.P. 510 - L.D. 1572**

**An Act to Make Technical Changes  
in the Laws Relating to the Sale of  
Alcoholic Beverages**

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

**Sec. 1. 5 MRSA §281, last ¶**, as amended by PL 1991, c. 780, Pt. Y, §20, is further amended to read:

The department shall coordinate financial planning and programming activities of departments and agencies of the State Government for review and action by the Governor, prepare and report to the Governor and to the Legislature financial data and statistics and administer under the direction of the State Liquor and Lottery Commission the laws relating to legalized alcoholic beverages within this State. The department consists of the bureaus and organizations referenced in section 947-B, and the State Liquor and Lottery Commission, ~~except the Bureau of Liquor Enforcement and the State Lottery Commission.~~

**Sec. 2. 5 MRSA §283-A** is enacted to read:

**§283-A. State Liquor and Lottery Commission**

**1. Commission.** The State Liquor and Lottery Commission, established in Title 5, section 12004-G, subsection 14, consists of 5 members who must be residents of this State. Members are appointed by the Governor and are subject to review by the joint standing committee of the Legislature having jurisdiction over legal and veterans affairs and to confirmation by the Legislature. No more than 3 members of the commission may be members of the same political party.

**2. Chair.** The commission shall elect a chair from among its members.

**3. Eligibility of members.** A person is not eligible for appointment as a member of the commission or as an employee of the commission if that person:

A. Has any official, professional or other connection with or owns any stock in a corporation interested either directly or indirectly in the manufacture or sale of liquor; or

B. Has been convicted or adjudicated guilty of violating any state or federal law regulating the manufacture, sale or transportation of liquor.