

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

Q. In order to protect the public health and welfare, to state governmental entities only insofar as necessary to enable those entities to perform their duties when reporting is required or authorized by law.

Sec. 23. 24-A MRSA §4302, sub-§4 is enacted to read:

4. Claims data. By February 1st of each year, a carrier that provides only administrative services for a plan sponsor shall annually file with the superintendent for the most recent complete calendar year for all covered individuals in the State the total number of claims paid for each plan sponsor and the total dollar amount of claims paid for each plan sponsor.

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

Effective June 28, 2001.

CHAPTER 458

S.P. 331 - L.D. 1099

An Act Regarding the Care and Treatment of Persons with Mental Illness Who Are Incarcerated

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

Whereas, persons with mental illness who are incarcerated in the county jails and state prisons need proper care and treatment that is safe and humane; and

Whereas, corrections officers and others in the jails and prisons who are responsible for persons with mental illness who are in their custody require proper training to care for these inmates; and

Whereas, the current corrections system does not provide adequate care for incarcerated persons with mental illness, nor does it provide those responsible for the care with the tools and training necessary to provide care; 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:

Sec. 1. 17-A MRSA §1258, as enacted by PL 1983, c. 673, §6, is amended to read:

§1258. Notification of commitments to the Department of Corrections

At the time of sentencing, the sheriff shall notify the Commissioner of Corrections or the commissioner's designee that a person has been committed to the Department of Corrections and shall inquire as to the correctional facility to which the sentenced person shall must be delivered by the sheriff or his the sheriff's deputies. The commissioner shall have or the commissioner's designee has complete discretion to determine the initial place of confinement. In making this determination, the commissioner or the commissioner's designee shall review all relevant information, including any available mental health information. The commissioner or the commissioner's designee shall immediately inform the sheriff and the court of the location of the correctional facility to which the sentenced person shall must be transported.

Sec. 2. 30-A MRSA §1656, sub-§5 is enacted to read:

5. Review of information prior to transfer. If a prisoner is transferred to the Department of Corrections, the Commissioner of Corrections or the commissioner's designee shall review all relevant information, including any available mental health information, prior to determining the prisoner's initial place of confinement.

Sec. 3. 34-A MRSA §1214 is enacted to read:

§1214. Accreditation

All adult correctional facilities and juvenile facilities operated by the department must be accredited by a nationally recognized accrediting body by January 1, 2005 and must maintain accreditation thereafter.

Sec. 4. 34-A MRSA §3031, sub-§2, as amended by PL 1999, c. 583, §8, is further amended by amending the first paragraph to read:

2. Medical care. Adequate professional medical care and adequate professional mental health care, which ~~does do~~ not include medical treatment or mental health treatment requested by the client that the facility's treating physician or treating psychiatrist or psychologist determines unnecessary. The commissioner may establish medical and dental fees not to exceed \$5 for the medical and dental services that are provided pursuant to this subsection and a fee not to exceed \$5 for prescriptions, medication or prosthetic devices. Except as provided in paragraph A, every client may be charged a medical or dental services fee for each medical or dental visit, prescription, medica-

tion or prosthetic device. The facility shall collect the fee. All money received by the department under this subsection is retained by the facility to offset the cost of medical and dental services, prescriptions, medication and prosthetic devices.

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

Effective June 28, 2001.

CHAPTER 459

H.P. 224 - L.D. 259

An Act to Offer Reciprocity Concerning Concealed Firearms Permits

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

Sec. 1. 25 MRSA §2001, sub-§6, as enacted by PL 1989, c. 917, §6, is amended to read:

6. Licensed hunters and trappers. Firearms carried by any person engaged in conduct for which a state-issued hunting or trapping license is required and possessing the required license, or firearms carried by a resident person engaged in conduct expressly authorized by Title 12, section 7377, subsections 1 and 2. This subsection does not authorize or permit the carrying of a concealed or loaded firearm in a motor vehicle; and

Sec. 2. 25 MRSA §2001, sub-§7 is enacted to read:

7. Permit issued by another state. A firearm carried by a person to whom a valid permit to carry a concealed firearm has been issued by another state if a permit to carry a concealed firearm issued from that state has been granted reciprocity. The Chief of the State Police may enter into reciprocity agreements with 2 other states. Reciprocity may be granted to a permit to carry a concealed firearm issued from another state if:

A. The other state that issued the permit to carry a concealed firearm has substantially equivalent or stricter requirements for the issuance of a permit to carry a concealed firearm; and

B. The other state that issued the permit to carry a concealed firearm observes the same rules of reciprocity in regards to a person issued a permit to carry a concealed firearm under this chapter.

Sec. 3. Report. The Chief of the State Police shall report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by January 15, 2003 regarding the costs and resources involved in entering into reciprocity agreements with other states pursuant to the Maine Revised Statutes, Title 25, section 2001, subsection 7.

See title page for effective date.

CHAPTER 460

H.P. 379 - L.D. 481

An Act to Promote Dam Safety

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

Sec. 1. 5 MRSA §12004-G, sub-§13-D, as enacted by PL 1997, c. 236, §1, is repealed.

Sec. 2. 37-B MRSA cc. 21 and 22 are repealed.

Sec. 3. 37-B MRSA c. 24 is enacted to read:

CHAPTER 24

DAM SAFETY

§1111. Definitions

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

1. Dam. "Dam" means any artificial barrier, including appurtenant works, the site on which it is located and appurtenant rights of flowage and access, that impounds or diverts water, and that:

A. Is 25 feet or more in height from the natural bed of the watercourse measured at the downstream toe of the barrier or from the lowest elevation of the outside limit of the barrier to the maximum water storage elevation and impounds at least 15 acre-feet of water; or

B. Is 6 feet or more in height from the natural bed of the watercourse measured at the downstream toe of the barrier or from the lowest elevation of the outside limit of the barrier to the maximum water storage elevation and has an impounding capacity at maximum water storage elevation of 50 acre-feet or more.

2. Commissioner. "Commissioner" means the Commissioner of Defense, Veterans and Emergency Management.