

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

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
2002

hospitalization is made with the juvenile client's consent in accordance with Title 34-B, section 3831.

Sec. 2. 34-A MRSA §4111, sub-§3 is enacted to read:

3. Psychiatric hospitalization. The commissioner has all the power over a juvenile client that a guardian has over a ward and that a parent has over a child with regard to necessary psychiatric hospitalization, including hospitalization in a nonstate mental health institution or hospital for the mentally ill. If a juvenile client is or becomes 18 years of age while still under commitment, the statutory guardianship of the commissioner over the juvenile client terminates, but the juvenile client remains subject to the control of the commissioner and staff and rules of the facility until the expiration of the period of commitment or until discharge from the facility. Nothing in this subsection may be construed to override the requirement to make application for psychiatric hospitalization in accordance with Title 34-B, section 3863, unless hospitalization is made with the juvenile client's consent in accordance with Title 34-B, section 3831.

See title page for effective date.

CHAPTER 518

H.P. 1550 - L.D. 2053

An Act to Clarify the Treatment of Members of Limited Liability Companies Under the Workers' Compensation Laws

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

Sec. 1. 39-A MRSA §102, sub-§11, ¶A, as amended by PL 1999, c. 364, §1, is further amended by amending subparagraph (5) to read:

(5) Except for persons engaged in harvesting of forest products, the parent, spouse or child of a sole proprietor who is employed by that sole proprietor or the parent, spouse or child of a partner who is employed by the partnership of that partner or the parent, spouse or child of a member of a limited liability company may state, in writing, that the parent, spouse or child waives all the benefits and privileges provided by the workers' compensation laws if the board finds that the waiver is not a prerequisite condition to employment;

Sec. 2. 39-A MRSA §102, sub-§11, ¶B, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 and 11, is amended to read:

B. "Employee" includes, if the person elects to be personally covered by this Title, any person who regularly operates a business or practices a trade, profession or occupation, whether individually or in partnership or association with other persons or as a member of a limited liability company, whether or not the person hires employees. Such a person shall elect personal coverage by insuring and keeping insured the payment of compensation and other benefits under a workers' compensation insurance policy. The insurance policy must clearly indicate the intention of the parties to provide coverage for the person electing to be personally covered. The insurance company shall file with the board notice, in such form as the board approves, of the issuance of any workers' compensation policy to a person electing personal coverage. That insurance may not be cancelled within the time limited in that policy for its expiration until at least 30 days after mailing a notice of the cancellation of that insurance to the board and the person electing personal coverage. In the event that the person electing personal coverage has obtained a workers' compensation insurance policy from another insurance company, and that insurance becomes effective prior to the expiration of the 30 days, cancellation is effective as of the effective date of the other insurance. The Superintendent of Insurance is authorized to review for approval, at the superintendent's discretion, an appropriate classification for this class of persons and a reasonable rate.

See title page for effective date.

CHAPTER 519

H.P. 1616 - L.D. 2115

An Act to Abolish the Educational Leave Advisory Board

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

Sec. 1. 3 MRSA §959, sub-§1, ¶E, as amended by PL 1999, c. 706, §1, is further amended to read:

E. The joint standing committee of the Legislature having jurisdiction over education and cultural affairs shall use the following list as a guideline for scheduling reviews:

- (1) Telecommunications Relay Services Advisory Council in 1997;
- (2) Department of Education in 1997;

- (2-A) State Board of Education in 1997;
- (3) Maine Arts Commission in 1999;
- (5) Maine Historic Preservation Commission in 1999;
- (5-A) Notwithstanding section 952, Maine Historical Society in 1999;
- (6) Maine Library Commission in 1999;
- (6-A) Maine State Cultural Affairs Council in 1999;
- (6-B) Maine State Library in 1999;
- (6-C) Maine State Museum in 1999;
- (7) Maine State Museum Commission in 1999;
- (8) Office of State Historian in 1999;
- (9) Board of Trustees of the Maine Maritime Academy in 2001;
- (10) Board of Trustees of the University of Maine System in 2001;
- ~~(11) Educational Leave Advisory Board in 2001;~~
- (12) Maine Technical College System in 2001;
- (13) Maine Health and Higher Educational Facilities Authority in 2003; and
- (14) Maine Educational Loan Authority in 2003.

Sec. 2. 5 MRSA c. 60, as amended, is repealed.

Sec. 3. 5 MRSA §7031, as corrected by RR 1991, c. 2, §10, is amended by inserting after the 3rd paragraph a new paragraph to read:

It is in the public interest and is the policy of the State of Maine to foster and encourage an educational leave program to permit employees of the State to increase knowledge and skills and to improve work techniques and procedures. This would permit the agencies themselves and the citizens of Maine to benefit by what the employee has learned and will impart to others upon return.

Sec. 4. 5 MRSA §12004-I, sub-§11, as enacted by PL 1987, c. 786, §5, is repealed.

See title page for effective date.

CHAPTER 520

H.P. 191 - L.D. 202

An Act to Improve Maine's Jail Diversion Programs

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

Sec. 1. 4 MRSA c. 8-A is enacted to read:

CHAPTER 8-A

MENTAL HEALTH TREATMENT COURTS

§431. Mental health treatment courts

1. Treatment courts; funding. The Judicial Department may seek and receive grants to establish mental health treatment courts.

2. Report. Before implementing a mental health treatment court, the Judicial Department shall report to the joint standing committee of the Legislature having jurisdiction over judiciary matters on at least:

A. The funding mechanism and the expected duration of the funding;

B. The plans for the mental health treatment court, which must include an evaluation component to determine the efficacy of the treatment court on short-term and long-term bases;

C. The potential fiscal effects on the State; and

D. Recommended legislation to implement the mental health treatment court, if any.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

JUDICIAL DEPARTMENT

Courts - Supreme, Superior and District

Initiative: Provides funds to establish a base allocation in the event federal grant funds are secured for the purpose of establishing mental health treatment courts.

| Federal Expenditures Fund | 2001-02 | 2002-03 |
|---------------------------|---------|---------|
| All Other | \$0 | \$500 |

See title page for effective date.
