

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

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

Penmor Lithographers
Lewiston, Maine
2003

5. Disclosure of information. Nothing in this section permits or requires the disclosure of information to the extent it is designated confidential by another provision of law.

6. Assessment tools. Documents in the possession of the department used to screen or assess clients, including, but not limited to, questionnaires and test materials, are not public records for purposes of Title 1, chapter 13, subchapter 1. The department shall release these documents on request to any other state agency if necessary to carry out the statutory functions of that agency and to any committee or study commission established by the Legislature with authority to examine issues related to mental health.

Sec. 11. 34-A MRSA §3003, as amended by PL 2001, c. 452, §15, is repealed.

Sec. 12. 34-A MRSA §3036, as amended by PL 1999, c. 583, §13, is repealed.

Sec. 13. 34-A MRSA §3036-A, sub-§10, as enacted by PL 2001, c. 141, §2, is amended to read:

10. Terminally ill prisoner. With the consent of the prisoner, the commissioner may permit a prisoner committed to the department to be transferred from a correctional facility to supervised community confinement without meeting the requirements of subsection 2, paragraphs B and C if the facility's treating physician has determined that the prisoner is terminally ill and that care outside the correctional facility for the remainder of the prisoner's illness is medically ~~necessary~~ appropriate. The prisoner shall live in a hospital or other appropriate care facility, such as a nursing facility or residential care facility, approved by the commissioner. As approved by the commissioner, the prisoner may receive hospice services from an entity licensed pursuant to Title 22, chapter 1681, subchapter 1. The commissioner may exempt a prisoner transferred to supervised community confinement pursuant to this subsection from any mandatory condition under subsection 3 that the commissioner determines to be inapplicable.

Sec. 14. 34-A MRSA §5404, sub-§2, ¶B, as amended by PL 1995, c. 502, Pt. F, §37, is further amended to read:

B. Arrest and return to a correctional facility persons released from the correctional facility under section 3035 ~~or 3036~~ or transferred from the facility under section 3036-A; and

Sec. 15. 34-A MRSA §5404, sub-§3, ¶B, as amended by PL 1995, c. 502, Pt. F, §38, is further amended to read:

B. Supervise persons released from a correctional facility under section 3035 ~~or 3036~~ and

supervise persons transferred to supervised community confinement under section 3036-A if the commissioner directs;

Sec. 16. Appropriations and allocations. The following appropriations and allocations are made.

CORRECTIONS, DEPARTMENT OF

Adult Community Corrections

Initiative: Provides funds for costs associated with substance abuse testing.

Other Special Revenue Funds	2003-04	2004-05
All Other	\$500	\$500
Other Special Revenue		
Funds Total	\$500	\$500

See title page for effective date.

CHAPTER 206

S.P. 493 - L.D. 1487

An Act To Allow Judges' Faxed Signatures in Involuntary Psychiatric Commitment Proceedings

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

Sec. 1. 34-B MRSA §3863, sub-§3, ¶A, as amended by PL 1993, c. 596, §3, is further amended to read:

A. If the judge or justice finds the application and accompanying certificate to be regular and in accordance with the law, the judge or justice shall endorse them and promptly send them to the admitting mental hospital. For purposes of carrying out the provisions of this section, an endorsement transmitted by facsimile machine has the same legal effect and validity as the original endorsement signed by the judge or justice.

See title page for effective date.

CHAPTER 207

H.P. 1120 - L.D. 1528

An Act To Permit Electronic Notification of Rulemaking for Interested Parties

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

Whereas, the State must reduce expenditures as a result of a weakened economy; and

Whereas, technology exists to permit communications to be made via electronic rather than paper media; and

Whereas, the use of electronic media for communication would reduce the need of and greater costs associated with the use of paper media as well as be an environmentally sensitive means of disseminating information; 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. 5 MRSA §8053, sub-§1, as amended by PL 1995, c. 373, §4, is further amended to read:

1. Notice of rulemaking without hearing. At least 20 days prior to the comment deadline of any rule without hearing, the agency shall deliver or mail written notice or, with written or electronic agreement of the party, provide electronic notice to:

A. Any person specified by the statute authorizing the rulemaking;

B. Any person who has filed within the past year a written or electronic request with the agency for notice of rulemaking; and

C. Any trade, industry, professional, interest group or regional publication that the agency considers effective in reaching the persons affected.

Notification to subscribers under paragraph B must be by mail or with written or electronically submitted agreement of the subscriber, electronic notice or otherwise in writing to the last address provided to the agency by that person. Subscribers under paragraph B may request to receive a copy of each proposed rule with the written notice. The agency shall provide the copy at the same time the notice is sent.

Written or electronic notice must also be given to the Secretary of State, by the deadline established by the Secretary of State, for publication in accordance with subsection 5. This notice must be in a format approved by the Secretary of State.

Sec. 2. 5 MRSA §8053, sub-§3-A, as amended by PL 1995, c. 373, §5, is further amended to read:

3-A. Copies of proposed rules available upon request. At least 20 days prior to hearing on any proposed rule and at least 20 days prior to the comment deadline of any rule without a hearing, the agency shall make copies of the proposed rule available in writing or, with agreement of the requestor, electronically to persons upon request.

Sec. 3. 5 MRSA §8053, sub-§4, as amended by PL 1981, c. 524, §9, is further amended to read:

4. Fee schedule. The agency may establish a fee schedule for notice and for proposed rules under subsection 1, paragraph B, imposing a cost reasonably related to the actual expense entailed. Fees may vary depending upon the method of transmission of notice and the rules being transmitted.

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

Effective May 16, 2003.

CHAPTER 208

H.P. 342 - L.D. 450

An Act To Allow the Transfer of Spirits within Existing Businesses

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

Sec. 1. 28-A MRSA §1201-A is enacted to read:

§1201-A. Transfer of spirits among certain licensees

Notwithstanding section 606, subsection 1 and section 1201, subsection 3-A, if a business or corporation has multiple locations in the State licensed to sell spirits for consumption off the premises, spirits may be transferred from one of those licensed locations to another to facilitate the sale of those spirits. A licensee that transfers spirits from one location to another in accordance with this section must notify the bureau of all transfers in advance on a form determined by the bureau. The licensee shall maintain a record of all transfers made in accordance with this section.

See title page for effective date.
