

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

CHAPTER 368

H.P. 1083 - L.D. 1478

An Act To Change the Membership of the Review Team for Aversive Behavior Modifications and Safety Devices for Persons with Mental Retardation or Autism

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

Sec. 1. 34-B MRSA §5605, sub-§13, ¶B, as amended by PL 2001, c. 245, §1, is further amended to read:

B. Treatment programs involving the use of noxious or painful stimuli or other aversive or severely intrusive techniques may be used only to correct behavior more harmful to the person with mental retardation or autism than is the treatment program and only:

(1) On the recommendation of a physician, psychiatrist or psychologist; and

(2) With the approval, following a case-by-case review, of ~~the chief administrative officer of the residential facility; a representative of the person's residence, day program or work site;~~ an advocate of the department; a representative of the Division of Mental Retardation; and a representative of the Consumer Advisory Board.

Sec. 2. 34-B MRSA §5605, sub-§14, ¶D-1, as enacted by PL 2001, c. 245, §3, is amended to read:

D-1. A device whose effect is to reduce or inhibit a person's movement in any way but whose purpose is to maintain or ensure the safety of the person is not considered behavioral treatment. Such a device may be used only in conformity with applicable state and federal rules and regulations, when recommended by a qualified professional after approval of the person's service plan and when use of the device is approved by ~~the chief administrative officer of the residential care facility; a representative of the person's residence, day program or work site;~~ an advocate of the department; a representative of the Division of Mental Retardation; and a representative of the Consumer Advisory Board.

See title page for effective date.

CHAPTER 369

S.P. 494 - L.D. 1488

An Act To Extend Licensing Periods for Agencies Providing Mental Health Services

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

Sec. 1. 34-B MRSA §1203-A, sub-§1, ¶B, as enacted by PL 1989, c. 227, §1, is amended to read:

B. A full license ~~shall~~ **must** be issued for a specified period of time appropriate to the type of agency or facility, but not to exceed ~~2~~ **3** years.

Sec. 2. Effective date. This Act takes effect October 1, 2003, except that, for any agency or facility that holds a full license, conditional license or provisional license from the Department of Behavioral and Developmental Services for the provision of mental health services or treatment as of October 1, 2003, this Act takes effect upon completion of the term of the current license held by that agency or facility on October 1, 2003.

See title page for effective date.

CHAPTER 370

H.P. 1053 - L.D. 1434

An Act To Ensure Basic Standards for Death Investigations by Law Enforcement Agencies

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 25 MRSA §2803-B, sub-§1, ¶¶G and H, as enacted by PL 1993, c. 744, §5, are amended to read:

G. Citizen complaints of police misconduct; ~~and~~

H. Criminal conduct engaged in by law enforcement officers; ~~and~~