

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST SPECIAL SESSION
August 21, 2003 to August 22, 2003

The General Effective Date For
First Special Session
Non-Emergency Laws Is
November 22, 2003

SECOND REGULAR SESSION
January 7, 2004 to January 30, 2004

The General Effective Date For
Second Regular Session
Non-Emergency Laws Is
April 30, 2004

SECOND SPECIAL SESSION
February 3, 2004 to April 30, 2004

The General Effective Date For
Second Special Session
Non-Emergency Laws Is
July 30, 2004

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

Penmor Lithographers
Lewiston, Maine
2004

suggested legislation, to the ~~Joint Standing Committee on Criminal Justice and Public Safety joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters~~ no later than January 31, 2004 ~~2005~~. The ~~Joint Standing Committee on Criminal Justice and Public Safety joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters~~ may report out legislation related to this report to the ~~Second~~ First Regular Session of the ~~21st~~ 122nd Legislature; and be it further

Sec. 8. Retroactivity. That section of this Act that amends Resolve 2003, chapter 23 applies retroactively to January 31, 2004.

See title page for effective date.

CHAPTER 560

S.P. 675 - L.D. 1832

An Act To Maintain the Current Statutes Regarding Unlawful Solicitation To Benefit Law Enforcement Agencies

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

Whereas, this legislation needs to take effect before the expiration of the 90-day period in order to prevent changes to the law that are scheduled to take effect before the expiration of the 90-day period; 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. 25 MRSA §3701, sub-§6, as enacted by PL 2001, c. 582, §1, is amended to read:

6. Solicitation agent. "Solicitation agent" means a person or entity that receives payment for or retains any portion of the proceeds from soliciting. "Solicitation agent" includes, but is not limited to, a person or entity that receives or retains reimbursement for expenses related to soliciting.

~~This subsection is repealed February 1, 2004.~~

Sec. 2. 25 MRSA §3702-A, as amended by PL 2001, c. 582, §2, is further amended to read:

§3702-A. Solicitation unlawful

A law enforcement agency, law enforcement association, law enforcement officer or solicitation agent may not solicit property from the general public when the property or any part of that property in any way tangibly benefits, is intended to tangibly benefit or is represented to be for the tangible benefit of any law enforcement officer, law enforcement agency or law enforcement association. Any violation of this chapter constitutes a violation of the Maine Unfair Trade Practices Act. ~~This section is repealed February 1, 2004.~~

Sec. 3. 25 MRSA §3702-B, as enacted by PL 2001, c. 582, §3, is repealed.

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

Effective March 17, 2004.

CHAPTER 561

S.P. 220 - L.D. 611

An Act To Obtain Substance Abuse Services for Youth in Need of Services

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

Sec. 1. 22 MRSA §4099-A, sub-§4, ¶¶B and C, as enacted by PL 2003, c. 451, Pt. P, §3, are amended to read:

B. Is without or beyond the control of the child's parent or legal guardian; ~~or~~

C. Is in imminent danger of serious physical, mental or emotional injury or at risk of prosecution for a juvenile offense; ~~or~~

Sec. 2. 22 MRSA §4099-A, sub-§4, ¶D is amended to read:

D. Is abusing alcohol or drugs and is at risk of serious harm as a result.

Sec. 3. 22 MRSA §4099-C, sub-§3, as enacted by PL 2003, c. 451, Pt. P, §3, is amended to read:

3. Imminent danger. If a youth is determined by a case manager to be in need of services and is in imminent danger of serious physical, mental or emotional injury ~~or, is~~ is at risk of prosecution for a juvenile offense or is abusing alcohol or drugs and is at risk of serious harm as a result, the case manager

shall attempt to contact the family or legal guardian, if appropriate, to begin services to the youth and family or legal guardian and shall promptly file a petition to commence court proceedings.

A. If the court finds that a youth is in need of services and is in imminent danger of serious physical, mental or emotional injury ~~or~~ is at risk of prosecution for a juvenile offense or is abusing alcohol or drugs and is at risk of serious harm as a result, the court shall order that a service provider offer appropriate services to the youth and the youth's family or legal guardian if appropriate.

B. In a proceeding brought under this subsection, if the court orders a service provider to offer appropriate services to a youth or the youth's family or legal guardian, the court may not order secure residential placement or inpatient treatment or order a youth to participate in services or enter an order of enforcement or contempt.

Sec. 4. 22 MRSA §4099-C, sub-§5, as enacted by PL 2003, c. 451, Pt. P, §3, is amended to read:

5. Reporting. The department shall report by October 1, 2003 and annually thereafter to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the number and nature of preliminary assessments, safety plans and court proceedings under this section. Beginning October 1, 2004, the report must include summary statistics on the number and characteristics of youth who refuse services under this section, including demographic information, reason for referral, assessed needs and stated reason for refusal of services. The report must include safety plans and court proceedings under this section. The report must include recommendations for policy initiatives, rulemaking and legislative action for youth in need of services.

Sec. 5. 22 MRSA §4099-C, sub-§6 is enacted to read:

6. Data. The department shall collect data on the number and characteristics of youth who refuse services under this section, including demographic information, reason for referral, assessed needs and stated reason for refusal of services. The department shall share the data collected under this subsection with the Department of Behavioral and Developmental Services, Office of Substance Abuse no later than October 1, 2004 and every 6 months thereafter.

Sec. 6. Provider training. The Department of Behavioral and Developmental Services, Office of Substance Abuse shall increase training for providers in motivational therapy, family therapy and other

evidence-based practices that are effective with reluctant adolescent clients. The Department of Human Services and the Office of Substance Abuse shall require joint training and communication between Youth in Need of Services Program providers and substance abuse services providers regarding methods to engage reluctant youth in treatment.

Sec. 7. Provider incentives and information. The Department of Behavioral and Developmental Services, Office of Substance Abuse shall modify its contracts with substance abuse services providers to create incentives to increase recruitment and retention of adolescent clients who are reluctant to engage in treatment. The Office of Substance Abuse also shall provide information and support to substance abuse treatment providers to increase services provided to parents of adolescent clients, with or without the adolescents' involvement.

Sec. 8. Parent outreach and education. The Department of Behavioral and Developmental Services, Office of Substance Abuse shall conduct outreach and education to help parents of children who are abusing drugs to locate and access resources to address substance abuse, including treatment, self-help, skill development and support groups for themselves and their children.

Sec. 9. Report required. The Department of Behavioral and Developmental Services, Office of Substance Abuse shall report by October 1, 2004 to the Joint Standing Committee on Health and Human Services on the status of implementation of this Act.

See title page for effective date.

CHAPTER 562

H.P. 1293 - L.D. 1771

An Act Regarding Child Support Collection Practices

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

Sec. 1. 19-A MRSA §2109 is enacted to read:

§2109. Limitations on collection of child support

A person other than an employee of the department who enters into an agreement with another to collect child support is subject to the following limitations.

1. Fee limitation. In a contingent-fee contract for the collection of child support, the fee may be based only upon the amount of unpaid past child support arrearage calculated as of the date when the