

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

Sec. 1. 25 MRSA §2803-B, sub-§1, ¶H, as amended by PL 2003, c. 370, §1, is further amended to read:

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

Sec. 2. 25 MRSA §2803-B, sub-§1, ¶I, as enacted by PL 2003, c. 370, §2, is amended to read:

I. Death investigations, including at a minimum the protocol of the Department of the Attorney General regarding such investigations; ~~and~~

Sec. 3. 25 MRSA §2803-B, sub-§1, ¶J is enacted to read:

J. Digital, electronic, audio, video or other recording of law enforcement interviews of suspects in serious crimes and the preservation of investigative notes and records in such cases.

Sec. 4. 25 MRSA §2803-B, sub-§§2 and 3, as amended by PL 2003, c. 370, §3, are further amended to read:

2. Minimum policy standards. The board shall establish minimum standards for each law enforcement policy no later than June 1, 1995, except that policies for expanded requirements for domestic violence under subsection 1, paragraph D, subparagraphs (1) to (3) must be established no later than January 1, 2003 ~~and~~; policies for death investigations under subsection 1, paragraph I must be established no later than January 1, 2004; ~~and policies for the recording and preservation of interviews of suspects in serious crimes under subsection 1, paragraph J must be established no later than January 1, 2005.~~

3. Agency compliance. The chief administrative officer of each law enforcement agency shall certify to the board no later than January 1, 1996 that the agency has adopted written policies consistent with the minimum standards established by the board pursuant to subsection 2, except that certification to the board for expanded policies for domestic violence under subsection 1, paragraph D, subparagraphs (1) to (3) must be made to the board no later than June 1, 2003 ~~and~~; certification to the board for adoption of a death investigation policy under subsection 1, paragraph I must be made to the board no later than June 1, 2004; ~~and certification to the board for adoption of a policy for the recording and preservation of interviews of suspects in serious crimes under subsection 1, paragraph J must be made to the board no later than June 1, 2005.~~ ~~This~~ The certification must be accompanied by copies of the agency policies. The chief administrative officer of each agency shall certify to the board no later than June 1, 1996 that the agency has provided orientation and training for its members with respect to the policies, except that

certification for orientation and training with respect to expanded policies for domestic violence under subsection 1, paragraph D must be made to the board no later than January 1, 2004 ~~and~~; certification for orientation and training with respect to policies regarding death investigations must be made to the board no later than January 1, 2005; and certification for orientation and training with respect to policies regarding the recording and preservation of interviews of suspects in serious crimes under subsection 1, paragraph J must be made to the board no later than January 1, 2005.

See title page for effective date.

CHAPTER 678

S.P. 615 - L.D. 1683

An Act Relating to the Establishment of a Central Maine Regional Public Safety Communication Center

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

Sec. 1. 5 MRSA §12004-I, sub-§74-D is enacted to read:

| | | | |
|---------------|---------------------|-------------------|--------------|
| 74-D. | <u>Maine</u> | <u>Not</u> | <u>25</u> |
| <u>Public</u> | <u>Communica-</u> | <u>Authorized</u> | <u>MRSA</u> |
| <u>Safety</u> | <u>tions System</u> | | <u>§1531</u> |
| | <u>Policy Board</u> | | |

Sec. 2. 25 MRSA c. 192-A is enacted to read:

CHAPTER 192-A

MAINE COMMUNICATIONS SYSTEM POLICY BOARD

§1531. Maine Communications System Policy Board

This section governs the establishment and powers of the Maine Communications System Policy Board within the Department of Public Safety.

1. Policy board established. The Maine Communications System Policy Board, referred to in this chapter as "the board," is established within the Department of Public Safety, referred to in this chapter as "the department." The purpose of the board is to establish policies, procedures and standards for the cooperative use of the department's communication systems by municipal, county and state governmental entities. The board also shall carry out any other functions specified in this chapter.

2. Members. The board consists of 15 members as follows:

A. The Commissioner of Public Safety, ex officio;

B. The Chief of the State Police, ex officio;

C. The Chief Information Officer within the Department of Administrative and Financial Services, ex officio;

D. A representative of the Executive Department, appointed by the Governor;

E. A representative of participating municipalities with populations of less than 5,000, selected from and recommended by the boards of selectmen, town councils or city councils of those municipalities and appointed by the Governor;

F. A representative of participating municipalities with populations of 5,000 or more but less than 15,000, selected from and recommended by the boards of selectmen, town councils or city councils of those municipalities and appointed by the Governor;

G. A representative of participating municipalities with populations of 15,000 or more, selected from and recommended by the boards of selectmen, town councils or city councils of those municipalities and appointed by the Governor;

H. A representative of participating counties, recommended by a statewide association of county commissioners and appointed by the Governor;

I. A representative of police chiefs of participating municipalities, recommended by a statewide association of police chiefs and appointed by the Governor;

J. A representative of county sheriffs of participating counties, recommended by a statewide association of sheriffs and appointed by the Governor;

K. A representative of fire chiefs of participating municipalities, recommended by a statewide association of fire chiefs and appointed by the Governor;

L. A representative of emergency medical services of participating municipalities, recommended by the Emergency Medical Services' Board established by Title 5, section 12004-A, subsection 15 and appointed by the Governor;

M. A representative of the users of the department's communications system, appointed by the

Governor. After the initial appointment, the Governor shall appoint a person who serves on an advisory board established pursuant to section 1532, subsection 6 and who is recommended by a majority of the members of the advisory boards;

N. A nonsupervisory employee of the department involved in the operation of the department's communications system, recommended by the bargaining unit representing those employees and appointed by the Governor; and

O. One citizen representing the public, who is not and has not been associated with law enforcement, fire fighting or emergency medical services, appointed by the Governor.

For purposes of this subsection, "participating" means participating in the cooperative use of the department's communication systems.

3. Term of office; vacancy. Ex officio members of the board serve during their terms of office. Other members of the board serve 3-year terms, except that initial appointments are made pursuant to subsection 4. A vacancy on the board must be filled for the remainder of the unexpired term of that member in the same manner as the original appointment. Members whose terms expire serve until their successors are appointed.

4. Initial appointments. Initial appointments to the board are made as follows:

A. The member representing the Executive Department is appointed for a one-year term;

B. The member representing municipalities with populations of less than 5,000 is appointed for a one-year term, the member representing municipalities with populations of 5,000 or more but less than 15,000 is appointed for a 2-year term and the member representing municipalities with populations of 15,000 or more is appointed for a 3-year term;

C. The member representing counties is appointed for a one-year term;

D. The member representing police chiefs is appointed for a 2-year term;

E. The member representing fire chiefs is appointed for a 3-year term;

F. The member representing county sheriffs is appointed for a 3-year term;

G. The member representing emergency medical services is appointed for a 2-year term;

H. The member representing the users of the department's communications system is appointed for a one-year term;

I. The member representing nonsupervisory employees of the department is appointed for a 2-year term; and

J. The member representing the public is appointed for a 3-year term.

Excluding the Commissioner of Public Safety, the Chief of the State Police, the Chief Information Officer within the Department of Administrative and Financial Services, the member representing the Executive Department and the member representing nonsupervisory employees of the department, at least 5 of the initial appointments must be members that represent entities in Kennebec County.

5. Chair. The Governor shall appoint one of the 15 board members to serve as chair. The chair serves at the pleasure of the Governor.

6. Meetings. The board may meet as necessary to carry out its duties but shall meet at least one time in each calendar quarter at a place and time determined by the board and at the call of the chair.

7. Compensation. Members of the board are not entitled to compensation.

§1532. Powers and duties of board

1. Policies, procedures and standards. The board shall establish policies, procedures and standards for the cooperative use of the department's communication systems by municipal, county and state governmental entities. The board may not establish a policy, procedure or standard that interferes with the ability of the Chief of the State Police to operate a telecommunications system pursuant to section 1508.

2. Budget. The board shall formulate a budget for the department's communications unit, which must be submitted to the commissioner for approval and inclusion in the budget of the department.

3. Implementation plan. The board shall develop an implementation plan to accommodate the voluntary consolidation of the various governmental communications systems in Kennebec County with the department's communication systems and for the design of an appropriate communications unit within the department. The plan must include provisions to ensure that employees of the department's communications unit are state employees.

4. Annual report. Beginning in 2005, the board shall report to the joint standing committee of the

Legislature having jurisdiction over utilities and energy matters no later than February 1st of each year concerning the activities of the board during the previous year and the status of the operation of the department's communication systems. The report must contain information regarding the status of the development and implementation of a consolidated communications system within the State. The report must also contain a list of the entities that are participants in the cooperative use of the department's communication systems. A copy of the annual report must be provided to each municipality and county of the State within 10 days of filing the report with the Legislature.

5. Annual meeting. In addition to board meetings held pursuant to section 1531, subsection 6, the board shall hold an annual meeting between February 15th and March 31st of each year. The purpose of the annual meeting is to solicit input from the municipalities and counties of the State and other interested parties concerning the activities of the board and operation of the department's communication systems.

6. Advisory boards. The board shall designate advisory boards composed of users of the department's communication systems for the purpose of soliciting input regarding the policies, procedures and standards set by the board and the operation of the communication systems. The board shall designate a sufficient number of advisory boards to represent the interest of the users of the department's communication systems. Each advisory board shall make a report to the board at least one time in each calendar quarter at a board meeting regarding the activities of the advisory board.

§1533. Supervisor of communication systems; appointment and duties

Within existing resources, pending establishment of a communications unit within the department, the Commissioner of Public Safety shall appoint a department employee to supervise the department's communications systems and to carry out policies and procedures established by the board. Upon establishment of a communications unit in the department, the commissioner, to the extent resources are available and with the approval of the board, shall appoint a director to administer the unit, plan, direct and supervise the day-to-day operations of the unit and carry out the policies and procedures of the board. The director may be dismissed by the commissioner for cause with the approval of the board.

Sec. 3. Implementation report; proposed legislation. The Maine Communications System Policy Board shall report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters no later than January 1, 2005 regarding the status of the implementation plan

developed pursuant to the Maine Revised Statutes, Title 25, section 1532, subsection 3. This report must contain information relative to the fiscal and personnel issues involved in the implementation of consolidated communications systems. A copy of the report must be provided to each municipality and county of the State and each affected bargaining unit within 10 days of filing the report with the Legislature. If during the development of the implementation plan the board determines that statutory changes are required to effectuate the implementation plan, the board shall submit proposed legislation to the First Regular Session of the 122nd Legislature by January 15, 2005. During the development of the implementation plan, the board shall consult with any bargaining units whose members may be affected by the implementation plan.

See title page for effective date.

CHAPTER 679

S.P. 671 - L.D. 1826

An Act To Encourage the Proper Disposal of Unused Pharmaceuticals

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

Sec. 1. 22 MRSA c. 604 is enacted to read:

CHAPTER 604

DISPOSAL OF UNUSED PHARMACEUTICALS

§2700. Unused Pharmaceutical Disposal Program

1. Establishment; purpose. There is established the Unused Pharmaceutical Disposal Program, referred to in this chapter as "the program." The purpose of the program is to ensure the safe, effective and proper disposal of unused pharmaceuticals. For purposes of compliance with federal law and regulation, the return of pharmaceuticals under this section is deemed to be for law enforcement purposes.

2. Administration. The program is administered by the Maine Drug Enforcement Agency, referred to in this chapter as "the agency," established in Title 25, section 2955.

3. Return of pharmaceuticals. The agency shall create a system for the return of unused pharmaceuticals. The system must use prepaid mailing envelopes into which the unused pharmaceuticals are placed and returned to a single collection location. The prepaid mailing envelopes must be made available to the public at various locations, including, but not limited to, pharmacies, physicians' offices and post

offices. The agency may randomly assess the toxicity of materials received under the program as long as the assessment results do not identify the patient, person who mailed the material, prescriber or pharmacy.

4. Disposal of pharmaceuticals. The agency shall ensure that only agency officers handle the unused pharmaceuticals received pursuant to subsection 3. The unused pharmaceuticals must be disposed of by the agency in a manner that is designed to be effective, secure and in compliance with local, state and federal environmental requirements, including the federal Resource Conservation and Recovery Act of 1976, as amended.

5. Unused Pharmaceutical Disposal Program Fund; funding. The Unused Pharmaceutical Disposal Program Fund, referred to in this chapter as "the fund," is established within the agency to be used by the director of the agency to fund or assist in funding the program. Any balance in the fund does not lapse but is carried forward to be expended for the same purposes in succeeding fiscal years. The fund must be deposited with and maintained and administered by the agency. The agency may accept funds into the fund from any non-General Fund, nonpublic fund source, including grants or contributions of money or other things of value, that it determines necessary to carry out the purposes of this chapter. Money received by the agency to establish and maintain the program must be used for the expenses of administering this chapter.

6. Rulemaking. The agency shall adopt rules to carry out the purposes of this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. Maine Drug Return Implementation Group. The Maine Drug Return Implementation Group, referred to in this section as "the implementation group," is established to work on implementation issues for the Unused Pharmaceutical Disposal Program, established in the Maine Revised Statutes, Title 22, chapter 604, referred to in this section as "the program."

1. Issues. The implementation group shall study the following issues and make recommendations for implementation of the program in a manner that addresses the issues, safeguards the public health and environment and meets the requirements of local, state and federal law, rule and regulation:

- A. Postal regulations;
- B. The methods and requirements for packaging, including prepaid mailing envelopes;
- C. Minimizing drug diversion and theft;