

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**SECOND SPECIAL SESSION**  
**July 29, 2005**

**SECOND REGULAR SESSION**  
**January 4, 2006 to May 24, 2006**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 28, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 23, 2006**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2006**

**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. 36 MRSA §111, sub-§1-A**, as amended by PL 2005, c. 12, Pt. P, §1 and affected by §10, is further amended to read:

**1-A. Code.** "Code" means the United States Internal Revenue Code of 1986 and amendments to that Code as of ~~January 7, 2005~~ December 31, 2005.

**Sec. 2. Application.** This Act applies to tax years beginning on or after January 1, 2005 and to any prior years as specifically provided by the United States Internal Revenue Code.

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

Effective March 13, 2006.

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**CHAPTER 487**

**H.P. 1301 - L.D. 1861**

**An Act To Improve the Ability of the Department of Corrections To Share Information Related to Clients in Order To Improve Treatment and Rehabilitative Services**

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

**Whereas**, immediately authorizing the Department of Corrections to share information regarding juvenile clients with the Department of Health and Human Services will facilitate timely and comprehensive treatment and rehabilitation plans for clients; and

**Whereas**, immediately authorizing the Department of Corrections to share client information with other state agencies will allow for cross-referencing and determination of any overlap in services and proper identification of populations served and will also allow for agency savings and expedited treatment; 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. 15 MRSA §3301, sub-§6-A**, as amended by PL 1999, c. 260, Pt. A, §8, is further amended to read:

**6-A. Records confidential.** Except as otherwise provided in this Title, information contained in records pertaining to a juvenile against whom a juvenile petition has not been filed is confidential unless the juvenile, and the juvenile's parents, guardian or legal custodian if the juvenile is not emancipated, has given informed written consent to the disclosure of the records.

This subsection does not preclude the release of the identity of a juvenile on conditional release pursuant to section 3203-A or on informal adjustment pursuant to this section to a criminal justice agency for the administration of juvenile criminal justice or to the Department of Health and Human Services if necessary to carry out the statutory functions of that agency.

**Sec. 2. 34-A MRSA §1216, sub-§1, ¶E**, as enacted by PL 2003, c. 205, §10, is amended to read:

E. To persons engaged in research if:

- (1) The research plan is first submitted to and approved by the commissioner;
- (2) The disclosure is approved by the commissioner; and
- (3) Neither original records nor identifying data are removed from the facility or office that prepared the records.

The commissioner and the person doing the research shall preserve the anonymity of the person receiving services from the department and may not disseminate data that refer to that person by name or number or in any other way that might lead to the person's identification; ~~or~~

**Sec. 3. 34-A MRSA §1216, sub-§1, ¶F**, as enacted by PL 2003, c. 205, §10, is amended to read:

F. To persons who directly supervise or report on the health, behavior or progress of a juvenile, to the superintendent of a juvenile's school and the superintendent's designees and to agencies that are or might become responsible for the health or welfare of a juvenile if the information is relevant to and disseminated for the purpose of creating or maintaining an individualized plan

for the juvenile's rehabilitation, including reintegration into the school; or

**Sec. 4. 34-A MRSA §1216, sub-§1, ¶G** is enacted to read:

G. To any state agency engaged in statistical analysis for the purpose of improving the delivery of services to persons who are or might become mutual clients if:

(1) The plan for the statistical analysis is first submitted to and approved by the commissioner; and

(2) The disclosure is approved by the commissioner.

The commissioner and the state agency requesting the information shall preserve the anonymity of the persons receiving services from the department and may not disseminate data that refer to any person by name or number or that in any other way might lead to a person's identification.

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

Effective March 13, 2006.

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## CHAPTER 488

H.P. 1326 - L.D. 1886

### An Act To Amend the Laws Pertaining to the Department of Corrections

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

**Whereas,** upon discovering that the Department of Corrections is in violation of state law by operating a commissary for the sale of food to clients and employees in correctional facilities and by providing meals to facility employees who eat such meals in the scope of their employment, the Legislature wishes to immediately remedy the violation; and

**Whereas,** the Legislature recognizes the necessity to authorize an exception to the general prohibition to the Department of Corrections because of its unique working environment; 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 preserva-

tion of the public peace, health and safety; now, therefore,

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

**Sec. 1. 15 MRSA §3203-A, sub-§11,** as enacted by PL 2003, c. 180, §6, is amended to read:

**11. Review of order.** Upon petition by a juvenile community corrections officer or an attorney for the State or a juvenile and after notice and upon a showing of changed circumstances or upon the discovery of new and significant information, the Juvenile Court may review an order for detention, conditional release or unconditional release and may enter a new order in accordance with this section.

**Sec. 2. 15 MRSA §3402, sub-§1, ¶D,** as amended by PL 1989, c. 502, Pt. A, §45, is further amended to read:

D. A detention order entered pursuant to section 3203-A, subsection 5 or any refusal to alter ~~an~~ a detention order for changed circumstances entered upon petition of the juvenile pursuant to section 3203-A, subsection ~~5~~ 11, for abuse of discretion, provided that the appeal ~~shall~~ must be handled expeditiously.

**Sec. 3. 17-A MRSA §1175, first ¶,** as amended by PL 2003, c. 186, §1, is further amended to read:

Upon complying with subsection 1, a victim of a crime of murder or stalking or of a Class A, Class B or Class C crime for which the defendant is committed to the Department of Corrections or to a county jail, or is placed in institutional confinement under Title 15, section 103 after having been found not criminally responsible by reason of mental disease or defect, or is placed in institutional confinement under Title 15, section 101-B after having been found incompetent to stand trial, must receive notice of the defendant's unconditional release and discharge from institutional confinement upon the expiration of the sentence or upon discharge under Title 15, section 104-A and must receive notice of any conditional release of the defendant from institutional confinement, including probation, supervised release for sex offenders, parole, furlough, work release, intensive supervision, supervised community confinement, home release monitoring or similar program or release under Title 15, section 104-A.

**Sec. 4. 17-A MRSA §1175, sub-§3, ¶B,** as enacted by PL 1995, c. 680, §5, is amended to read:

B. The nature of the release authorized, whether it is a conditional release, including probation, supervised release for sex offenders, parole, fur-