

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 6, 2006 to June 21, 2007**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 20, 2007**

**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**  
**2007**

term of 2 years and 5 members to serve an initial term of 3 years.

Members initially appointed to the Maine Developmental Services Oversight and Advisory Board must include stakeholders involved in services and supports for persons with mental retardation or autism in the State and other individuals interested in issues affecting persons with mental retardation or autism. Employees of the Department of Health and Human Services may not be appointed as members of the board.

### **Sec. 30. Transition provisions.**

**1. Correspondent program.** The Maine Developmental Services Oversight and Advisory Board, established in the Maine Revised Statutes, Title 5, section 12004-I, subsection 61-A and referred to in this section as "the board," shall work with the Department of Health and Human Services to improve and promote the correspondent program operated by the Consumer Advisory Board established pursuant to Title 34-B, section 1216. No later than January 1, 2009, the board shall present a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters, together with a proposed plan that provides for the independent operation of the correspondent program with oversight by the board. After receipt and review of the report, the joint standing committee may submit a bill to the 124th Legislature.

**2. Cooperation and collaboration.** The board shall work with the Consumer Advisory Board to avoid duplication of effort, to ensure appropriate sharing of information and to facilitate a smooth transition of oversight responsibilities from the Consumer Advisory Board to the board upon the repeal of the Consumer Advisory Board in accordance with Title 34-B, section 1216, subsection 4.

**3. Successor class representative.** Upon the repeal of the Consumer Advisory Board in accordance with the Title 34-B, section 1216, subsection 4, the board shall cooperate and collaborate with any successor class representative that may be appointed by the United States District Court.

**4. Budgets.** The Department of Health and Human Services shall take the following actions with regard to the budgets of the Consumer Advisory Board and expenses with regard to the community consent decree, Consumer Advisory Board et al. v. Glover, No. 91-321-P-C (D. Me. September 28, 1994):

A. For state fiscal year 2008-09, on the date that the Consumer Advisory Board is repealed, the department shall transfer by financial order to the Maine Developmental Services Oversight and Advisory Board the remainder of the unencumbered balance in the budget of the Consumer Advisory Board for fiscal year 2008-09; and

B. Beginning with state fiscal year 2010-12, the department shall include a line item in the department budget submission to the State Budget Officer pursuant to the Maine Revised Statutes, Title 5, section 1665 for the Maine Developmental Services Oversight and Advisory Board. The submission to the State Budget Officer must reflect the budget decisions of the board with regard to funding and expenditures under Title 34-B, section 1223, subsection 9, paragraph B.

**Sec. 31. Effective dates.** This Act takes effect November 1, 2007, except that the following sections take effect upon elimination of the Consumer Advisory Board pursuant to the Maine Revised Statutes, Title 34-B, section 1216, subsection 4:

1. Those sections of this Act that repeal Title 3, section 959, subsection 1, paragraph F, and Title 5, section 12004-I, subsection 61;

2. That section of this Act that amends Title 34-B, section 5605, subsection 13, paragraph B; and

3. Those sections of this Act that enact Title 5, section 12004-J, subsection 15 and Title 34-B, section 1223.

Effective November 1, 2007, unless otherwise indicated.

## **CHAPTER 357**

### **H.P. 804 - L.D. 1086**

#### **An Act To Clarify Worker Payment for Clothing and Equipment**

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

**Sec. 1. 26 MRSA §629, 2nd ¶,** as enacted by PL 1981, c. 285, is amended to read:

For purposes of this subchapter, the word "debt" means a benefit to the employee. "Debt" does not include items incurred by the employee in the course of the employee's work or dealing with the customers on ~~his~~ the employer's behalf, such as cash shortages, inventory shortages, dishonored checks, dishonored credit cards, damages to the employer's property in any form or any merchandise purchased by a customer. The cost of uniforms and of their laundering, if the nature of the business requires the employee to wear a uniform, the cost of any construction by and for the employer, the cost of tools of the trade and other materials and services incidental to carrying on the

employer's business and other costs of furnishing facilities primarily for the benefit or convenience of the employer may not be considered a "debt."

See title page for effective date.

## CHAPTER 358

### S.P. 376 - L.D. 1188

#### An Act Regarding Local Plumbing Inspectors

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

**Sec. 1. 30-A MRSA §4222**, as enacted by PL 1987, c. 737, Pt. A §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed and the following enacted in its place:

#### **§4222. Approving own work forbidden**

A primary or alternate local plumbing inspector may not issue a permit or perform any construction inspection for an internal plumbing job or subsurface wastewater disposal system for which the local plumbing inspector or any employee, employer, agent or representative of the local plumbing inspector has performed or intends to perform a site evaluation or labor or has provided or intends to provide any products or services.

See title page for effective date.

## CHAPTER 359

### H.P. 908 - L.D. 1290

#### An Act To Enhance Enforcement of Public Health Measures

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

**Sec. 1. 22 MRSA §817**, as amended by PL 2005, c. 383, §14, is further amended to read:

#### **§817. Discharge**

An individual committed to a hospital, facility or private home pursuant to section 812 or section 813 or subject to a prescribed care order of the department or a court pursuant to section 820 may be discharged ~~whenever~~ when the physician responsible for that individual's treatment and the department determine that the individual may be discharged without danger to other individuals. The department shall immediately report the discharge, with a full statement of the reasons for the discharge, to the court that ordered the commitment.

If an individual committed to a hospital, facility or private home pursuant to section 812 or section 813 or subject to a prescribed care order of the department or a court pursuant to section 820 violates the commitment prior to discharge in accordance with this section, the hospital or physician responsible for treatment shall immediately report this to the department. An arrest warrant must be issued upon application by the department to the District Court or Superior Court.

**Sec. 2. 30-A MRSA §1560, sub-§1-A** is enacted to read:

**1-A. Transportation; medical care.** A person detained or committed to a jail or correctional facility as a consequence of a violation of a public health measure pursuant to Title 22, section 812 or section 813 or as a consequence of a violation of a prescribed care order pursuant to Title 22, section 820 may be transported by the sheriff or superintendent of the correctional facility for medical care if a court orders the transport. The Department of Health and Human Services shall bear the costs of transportation and the per diem compensation for the accompanying officers.

**Sec. 3. Review of treatment of persons subject to public health measures or prescribed care orders.** The Department of Health and Human Services shall review present procedures to place into custody persons in violation of public health measures issued pursuant to the Maine Revised Statutes, Title 22, sections 812 and 813, or prescribed care orders issued pursuant to Title 22, section 820, to determine the adequacy of those procedures in protecting public health and preventing the transmission of communicable disease, environmental disease or occupational disease. The review must include:

1. The feasibility of developing secure residential treatment facilities in the State or establishing relations with out-of-state residential treatment facilities to which persons determined to constitute significant public health risks could be involuntarily committed;
2. The feasibility of identifying a specific law enforcement agency in the State with whom to task the responsibility to execute arrest warrants in public health cases;
3. Consideration of methods to improve the State's arrest warrant repository system to ensure that arrest warrants in public health cases are promptly executed; and
4. An evaluation of treatment alternatives and public health interventions to prevent the transmission of communicable disease, environmental disease or occupational disease to law enforcement officers or other persons involved in the execution of arrest warrants in public health cases.

The Department of Health and Human Services shall include in its review input from representatives