

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

SECOND REGULAR SESSION
January 2, 2008 to March 31, 2008

FIRST SPECIAL SESSION
April 1, 2008 to April 18, 2008

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 2008

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 18, 2008

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

Penmor Lithographers
Lewiston, Maine
2008

censed physician or a licensed clinical psychologist. ~~When involuntary treatment under subsection 1-A has been requested, one of the examiners must be a professional who is licensed to prescribe medications relevant to the patient's care.~~

(1-A) If the application requests an order for involuntary treatment pursuant to subsection 1-A, one examiner must be a licensed physician or a licensed clinical psychologist and one examiner must be a person who is qualified to prescribe medication relevant to the patient's care as a licensed physician, certified nurse practitioner or registered physician assistant.

(2-A) If the person under examination or the counsel for that person selects a qualified examiner who is reasonably available, then the court shall choose that examiner as one of the 2 designated by the court.

(3) Neither examiner appointed by the court may be the certifying examiner under section 3863, subsection 2 or 7.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

JUDICIAL DEPARTMENT

Courts - Supreme, Superior, District and Administrative 0063

Initiative: Deappropriates funds in fiscal years 2007-08 and 2008-09 rendered unnecessary by expansion of the pool of less expensive professionals eligible to perform examinations and provide medication in cases of involuntary treatment of mental health patients.

GENERAL FUND	2007-08	2008-09
All Other	(\$40,000)	(\$40,000)
<hr style="width: 50%; margin-left: 0;"/>		
GENERAL FUND TOTAL	(\$40,000)	(\$40,000)

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

Effective January 10, 2008.

**CHAPTER 473
S.P. 828 - L.D. 2161**

**An Act To Clarify
Confidentiality in Child
Protective Proceedings**

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

Whereas, the Legislature established February 1, 2008 as the effective date of Public Law 2007, chapter 335 to provide sufficient time for the federal Department of Health and Human Services to review the provisions of Public Law 2007, chapter 335 to determine if there are inconsistencies between Maine information sharing authorizations and federal requirements; and

Whereas, the Maine Department of Health and Human Services has yet to receive written notification whether Public Law 2007, chapter 335 is in compliance with federal requirements; and

Whereas, the changes included in Public Law 2007, chapter 335 should be effectuated only if they are in compliance with federal requirements; and

Whereas, the Legislature prefers to rely on written communication from the federal Department of Health and Human Services before taking action; 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. PL 2007, c. 335, §5 is amended to read:

Sec. 5. Effective date. This Act takes effect ~~February~~ March 1, 2008, except that section 4 of this Act, relating to the Maine State Plan, takes effect 90 days after adjournment of the First Regular Session of the 123rd Legislature.

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

Effective January 31, 2008.
