

# 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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2008**

volvement in a program of work or education for a prisoner who is involved in an approved full-time treatment program.

**Sec. 5. 34-A MRSA §3046**, as amended by PL 2001, c. 386, §14, is repealed.

**Sec. 6. 34-A MRSA §3046-A** is enacted to read:

**§3046-A. Funeral and deathbed visits**

**1. Family member.** At the discretion of and under conditions prescribed by the commissioner, a client confined in a correctional or detention facility may attend the funeral of the client's spouse or domestic partner or the client's parent, child, sibling, grandparent or grandchild, whether the relationship is natural, adoptive, foster or through marriage, and may be permitted deathbed visits to any of those persons if the funeral or visit is held within the State.

**2. Another person.** At the discretion of and under conditions prescribed by the commissioner, a client confined in a correctional or detention facility may attend the funeral of or be permitted a deathbed visit to another person if the funeral or visit is held within the State. The commissioner may not delegate this authority.

**3. Certification of terminal illness.** Before a deathbed visit is permitted under this section, terminal illness must be certified to the commissioner by the attending physician.

**4. Costs.** The client, if able, shall pay the cost of transportation under this section and the per diem compensation of the accompanying officers if the officers are required by the commissioner.

**Sec. 7. 34-A MRSA §3805, sub-§2**, as amended by PL 2005, c. 507, §22, is further amended to read:

**2. Limitations.** A person may not be detained or confined in or committed to the facility if ~~that person is more appropriately a subject for intensive temporary out of home treatment services or for in-home treatment services provided by or through the Department of Health and Human Services as agreed upon by the commissioner and the Commissioner of Health and Human Services or their designees, upon petition by the commissioner or the commissioner's designee and after hearing, the court finds by a preponderance of the evidence that the person is more appropriately a subject for intensive treatment services that are available and provided by or through the Department of Health and Human Services. Prior to the hearing, the court shall provide notice of the hearing in writing or orally to the juvenile, the juvenile's parents, the juvenile's guardian or legal custodian, the attorney for the State and the Department of Health and Human Services.~~

**Sec. 8. 34-A MRSA §4104, sub-§2**, as amended by PL 2005, c. 507, §26, is further amended to read:

**2. Limitations.** A person may not be detained or confined in or committed to the facility if ~~that person is more appropriately a subject for intensive temporary out of home treatment services or for in-home treatment services provided by or through the Department of Health and Human Services as agreed upon by the commissioner and the Commissioner of Health and Human Services or their designees, upon petition by the commissioner or the commissioner's designee and after hearing, the court finds by a preponderance of the evidence that the person is more appropriately a subject for intensive treatment services that are available and provided by or through the Department of Health and Human Services. Prior to the hearing, the court shall provide notice of the hearing in writing or orally to the juvenile, the juvenile's parents, the juvenile's guardian or legal custodian, the attorney for the State and the Department of Health and Human Services.~~

**Sec. 9. 34-A MRSA §7003**, as enacted by PL 1983, c. 459, §6, is repealed.

**Sec. 10. 34-A MRSA §7005**, as enacted by PL 1983, c. 459, §6, is repealed.

**Sec. 11. 34-A MRSA §7006**, as enacted by PL 1983, c. 459, §6, is repealed.

**Sec. 12. 34-A MRSA §7007**, as enacted by PL 1983, c. 459, §6, is repealed.

**Sec. 13. 34-A MRSA §7008**, as enacted by PL 1983, c. 459, §6, is repealed.

See title page for effective date.

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**CHAPTER 537**

**S.P. 888 - L.D. 2259**

**An Act Regarding the  
Recommendations of the  
Committee To Study  
Appropriate Funding of the  
State Police**

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

**Sec. 1. 5 MRSA §1666**, as amended by PL 2007, c. 1, Pt. P, §2, is further amended by adding at the end a new paragraph to read:

The Governor or the Governor-elect, in developing recommendations for funding the Department of Public Safety, Bureau of State Police, shall review and use as a guide available data identifying or quantifying the activities of the Department of Public Safety, Bureau of State Police that may be eligible for funding

from the Highway Fund pursuant to the Constitution of Maine, Article IX, Section 19. This paragraph applies to the preparation of the budget for the 2010-2011 biennium and thereafter.

**Sec. 2. 25 MRSA §1509**, as enacted by PL 2005, c. 664, Pt. R, §1, is repealed.

**Sec. 3. Report.** The Department of Public Safety, Bureau of State Police shall report no later than January 30, 2009 to the joint standing committee of the Legislature having jurisdiction over transportation matters the activity data collected by the bureau during calendar year 2008 under the tracking and reporting system it has established to track state police officers' work activity.

See title page for effective date.

**CHAPTER 538**

**H.P. 1566 - L.D. 2196**

**An Act To Make Supplemental Allocations for the Expenditures of State Government, Highway Fund and Other Funds, and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009**

**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 90-day period may not terminate until after the beginning of the next fiscal year; and

**Whereas**, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; 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:**

**PART A**

**Sec. A-1. Supplemental allocations.** There are allocated from various funds for the fiscal years

ending June 30, 2008 and June 30, 2009, to the departments listed, the following sums.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Buildings and Grounds Operations 0080**

Initiative: Reduces the headcount in the Highway Fund for 2 positions that were transferred from the Bureau of General Services, Buildings and Grounds Operations account in the Highway Fund to the same program account in the General Fund in Public Law 2007, chapter 329, Part A. The headcount was correctly adjusted in the General Fund but not the Highway Fund for these 2 positions.

<b>HIGHWAY FUND</b>	<b>2007-08</b>	<b>2008-09</b>
POSITIONS -	(2.000)	(2.000)
LEGISLATIVE COUNT		
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HIGHWAY FUND TOTAL	\$0	\$0

**Buildings and Grounds Operations 0080**

Initiative: Provides funding for a projected 60% rate increase in electrical charges paid by the Bureau of General Services for state-owned facilities.

<b>HIGHWAY FUND</b>	<b>2007-08</b>	<b>2008-09</b>
All Other	\$391,000	\$391,000
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HIGHWAY FUND TOTAL	\$391,000	\$391,000

**Buildings and Grounds Operations 0080**

Initiative: Provides funding for fuel expenditures for state-owned buildings based on new fuel rates and fuel usage in fiscal year 2006-07.

<b>HIGHWAY FUND</b>	<b>2007-08</b>	<b>2008-09</b>
All Other	\$45,000	\$22,506
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HIGHWAY FUND TOTAL	\$45,000	\$22,506

**Departments and Agencies - Statewide 0016**

Initiative: Provides funding to offset the deallocation made in Public Law 2007, chapter 329, Part C, section 2 to the statewide account for health insurance. The savings in health insurance will not be achieved through a rate reduction but through a transfer from the Accident, Sickness and Health Insurance Internal Service Fund to the unallocated surplus of the Highway Fund.