

# 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**

**CHAPTER 609**  
**H.P. 1389 - L.D. 1951**

**An Act To Create the Mental  
Health Homicide, Suicide and  
Aggravated Assault Review  
Board**

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

**Sec. 1. 34-B MRSA §1207, sub-§1, ¶B**, as amended by PL 2007, c. 286, §2, is further amended to read:

B. Information may be disclosed if necessary to carry out the statutory functions of the department, the hospitalization provisions of chapter 3, subchapter 4, the provisions of section 1931, the purposes of sections 3607-A and 3608, the purposes of Title 5, section 19506 or the purposes of United States Public Law 99-319, dealing with the investigatory function of the independent agency designated with advocacy and investigatory functions under United States Public Law 88-164, Title I, Part C or United States Public Law 99-319;

**Sec. 2. 34-B MRSA c. 1, sub-c. 7** is enacted to read:

**SUBCHAPTER 7**

**MENTAL HEALTH HOMICIDE, SUICIDE AND  
AGGRAVATED ASSAULT REVIEW BOARD**

**§1931. Mental Health Homicide, Suicide and Aggravated Assault Review Board**

The Mental Health Homicide, Suicide and Aggravated Assault Review Board, referred to in this subchapter as "the board," is established. The board shall review homicides, suicides and aggravated assaults involving a person with severe and persistent mental illness as defined in section 3801, subsection 8-A.

**1. Members.** The board consists of:

A. An attorney who is a member of a statewide association of criminal defense lawyers appointed by the President of the Senate;

B. A psychiatrist appointed by the Speaker of the House;

C. A psychiatric nurse appointed by the President of the Senate;

D. A psychologist appointed by the Speaker of the House;

E. A law enforcement officer appointed by the President of the Senate;

F. The Commissioner of Health and Human Services or the commissioner's designee;

G. The Commissioner of Corrections or the commissioner's designee;

H. The Commissioner of Public Safety or the commissioner's designee;

I. A judge or justice assigned by the Chief Justice of the Supreme Judicial Court;

J. A representative of a prosecutors association designated by the Attorney General;

K. An assistant attorney general responsible for the prosecution of homicide cases designated by the Attorney General;

L. An assistant attorney general responsible for mental health cases designated by the Attorney General;

M. A mental health service provider appointed by the Speaker of the House;

N. A victim-witness advocate designated by the Attorney General; and

O. Three persons appointed by the Governor from a list of nominees designated by statewide organizations that advocate for the rights of persons with serious and persistent mental illness. At least one of the appointees must represent the interests of persons with severe and persistent mental illness who are victims of crimes.

**2. Terms.** Members who are not state officials serve 2-year terms without compensation.

**3. Recommendations.** The board shall recommend to state and local agencies methods of preventing homicides, suicides and aggravated assaults involving persons with severe and persistent mental illness, including modifications of laws, rules, policies and procedures.

**4. Collect data.** The board shall collect and compile data related to homicides, suicides and aggravated assaults involving persons with severe and persistent mental illness. The board shall ensure that the collection of data and work of the board do not interfere with any pending criminal investigation or prosecution by state or county authorities.

**5. Information and records.** In any case subject to review by the board, upon written request of the board, any interested party that possesses information or records that are necessary and relevant to a review under this section shall as soon as practicable provide the board with the information and records. Persons disclosing or providing information or records upon the request of the board in compliance with this subsection are not criminally or civilly liable for disclosing or providing information or records.

**6. Confidentiality.** The proceedings of the board are confidential and are not public meetings for the purposes of the laws governing freedom of access.

Title 1, chapter 13. Records of the board are confidential, are not public records for the purposes of the laws governing freedom of access, Title 1, chapter 13 and are not subject to subpoena, discovery or introduction into evidence in a civil or criminal action. The board shall disclose conclusions and recommendations of the board upon request in a manner that does not identify the parties, victims or witnesses. The board and members of the board may not disclose information, records or data that are otherwise classified as confidential.

**7. Unlawful dissemination.** A member of the board is guilty of unlawful dissemination if the member of the board knowingly disseminates records or information from those records that is confidential pertaining to a homicide, suicide or aggravated assault subject to review by the board. Unlawful dissemination is a Class E crime, punishable by a fine of not more than \$500 or by imprisonment of not more than 30 days.

**8. Report.** The board shall submit a report on the board's activities, conclusions and recommendations to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 30, 2009 and biennially thereafter. The committee shall review the report in a public meeting at which members of the public are provided an opportunity to address the committee.

**Sec. 3. Staggered terms.** Notwithstanding the Maine Revised Statutes, Title 34-B, section 1931, subsection 2, 2 of the members initially appointed by the Governor to the Mental Health Homicide, Suicide and Aggravated Assault Review Board must be appointed for one-year terms.

See title page for effective date.

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## CHAPTER 610

**S.P. 849 - L.D. 2206**

### An Act To Amend the Tournament Games Laws

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

**Sec. 1. 17 MRSA §333-A, sub-§3,** as enacted by PL 2007, c. 205, §1, is amended to read:

**3. License.** The license fee for a tournament game license is \$5 ~~\$200~~ per tournament player.

**Sec. 2. 17 MRSA §333-A, sub-§4,** as enacted by PL 2007, c. 205, §1, is amended to read:

**4. Tournament.** The organization licensed to conduct a tournament game under this section shall display the rules of the game and the license issued to conduct the tournament. The maximum number of

players allowed is 100. Winners are determined by a process of elimination. The use of currency is prohibited as part of tournament play. The maximum entry fee to play in the tournament is \$100, except the organization may add \$5 to the player entry fee to defray the cost of the license application fee, as long as the total additional amount collected from all players does not exceed \$200. Only one entry fee is permitted per person. A tournament must be completed within 48 hours. Other games of chance are prohibited, except for lucky seven or similar sealed tickets.

**Sec. 3. 17 MRSA §333-A, sub-§5,** as enacted by PL 2007, c. 205, §1, is amended to read:

**5. Proceeds.** Seventy-five percent of the entry fees under subsection 4 must be paid as prizes to the winners of the tournament. ~~Of the money remaining after the payment of prizes, 75% must be distributed to the charitable organization or organizations listed on the license application pursuant to this section.~~

See title page for effective date.

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## CHAPTER 611

**H.P. 1554 - L.D. 2184**

### An Act To Implement the Recommendations of the Commission To Study the Promotion, Expansion and Regulation of the Harness Racing Industry

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

**Sec. 1. 4 MRSA §807, sub-§3, ¶N,** as amended by PL 2007, c. 249, §5, is further amended to read:

N. A person who is not an attorney, but is representing the State under section 807-A; ~~or~~

**Sec. 2. 4 MRSA §807, sub-§3, ¶O,** as amended by PL 2007, c. 58, §3 and enacted by c. 249, §6, is further amended to read:

O. A person who is not an attorney, but who is representing a party in any hearing, action or proceeding before the Maine Public Employees Retirement System; ~~or~~

**Sec. 3. 4 MRSA §807, sub-§3, ¶P** is enacted to read:

P. A person who is not an attorney but who, as the executive director of the State Harness Racing Commission, is representing the Department of Agriculture, Food and Rural Resources at adjudicatory hearings before the commission in accordance with Title 8, section 263-C.