

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 12, 2009

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

Augusta, Maine
2009

4. Guidelines for updating adjustments and miscellaneous costs. The commissioner's recommendations regarding the adjustments and miscellaneous costs components as set forth in subsection 2 also must delineate each amount that is recommended for each subsection and paragraph under sections 15689 and 15689-A and the purposes for each cost in these sections. For each amount shown in the commissioner's recommendations, the commissioner's recommendation must also show the amount for the same component or purpose that is included in the most recently approved state budget, the differences between the amounts in the most recently approved state budget and the commissioner's recommendations and the reasons for the changes.

Sec. 3. 20-A MRSA §15689-D, as amended by PL 2007, c. 240, Pt. C, §7, is repealed and the following enacted in its place:

§15689-D. Governor's recommendation for funding levels

1. Annual recommendations. The Department of Administrative and Financial Services, Bureau of the Budget shall annually certify to the Legislature the funding levels that the Governor recommends under sections 15683, 15683-A, 15689 and 15689-A. The Governor's recommendations must be transmitted to the Legislature within the time schedules set forth in Title 5, section 1666 and in the form and manner described in subsection 2. The commissioner may adjust, consistent with the Governor's recommendation for funding levels, per-pupil amounts not related to staffing pursuant to section 15680 and targeted funds pursuant to section 15681.

2. Funding level computations. The Governor's recommendations under subsection 1 must specify the amounts that are recommended for the total operating allocation pursuant to section 15683, the total of other subsidizable costs pursuant to section 15681-A, the total debt service allocation pursuant to section 15683-A, the total adjustments pursuant to section 15689, the total miscellaneous costs pursuant to section 15689-A, the amount for any other components of the total cost of funding public education from kindergarten to grade 12 and the total cost of funding public education from kindergarten to grade 12 pursuant to this chapter. The Governor's recommendations regarding the adjustments and miscellaneous costs components also must delineate each amount that is recommended for each subsection and paragraph under sections 15689 and 15689-A and the purposes for each cost in these sections. For each amount shown in the Governor's recommendations, the Governor's recommendations must also show the amount for the same component or purpose that is included in the most recently approved state budget, the differences between the amounts in the most recently approved state budget

and the Governor's recommendations and the reasons for the changes.

See title page for effective date.

CHAPTER 276

S.P. 101 - L.D. 337

**An Act Regarding Emergency
Involuntary Admission of a
Participant in the Department
of Health and Human Services'
Progressive Treatment
Program to a State
Mental Institute**

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

Sec. 1. 34-B MRSA §3863, sub-§8, as enacted by PL 2005, c. 519, Pt. BBBB, §8 and affected by §20, is amended to read:

8. Rehospitalization from progressive treatment program. The assertive community treatment team physician ~~or~~ psychologist, certified psychiatric clinical nurse specialist or nurse practitioner may make a written application under this section to admit to a state mental health institute a person who fails to fully participate in the progressive treatment program in accordance with section 3873, subsection 5. The provisions of this section apply to that application, except that the standard for admission is governed by section 3873, subsection 5, paragraph B.

Sec. 2. 34-B MRSA §3873, sub-§5, ¶A, as enacted by PL 2005, c. 519, Pt. BBBB, §14 and affected by §20, is amended to read:

A. If the person does not fully participate in the program and follow the individualized treatment plan and if the assertive community treatment team physician ~~or~~ psychologist, certified psychiatric clinical nurse specialist or nurse practitioner determines, based on clinical findings, that as a result of failure to fully participate or follow the individualized treatment plan the person's mental health has deteriorated so that hospitalization is in the person's best interest and the person poses a likelihood of serious harm as defined in section 3801, subsection 4, paragraph D, the assertive community treatment team physician ~~or~~ psychologist, certified psychiatric clinical nurse specialist or nurse practitioner shall complete a certificate stating that the person requires hospitalization and the grounds for that belief. The person

may agree to hospitalization or may be subject to an application for readmission under paragraph B.

See title page for effective date.

CHAPTER 277

H.P. 717 - L.D. 1042

An Act To Continue To Reduce Mercury Use and Emissions

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

Sec. 1. 38 MRSA §1661, sub-§4, as repealed and replaced by PL 2003, c. 221, §2, is amended to read:

4. Mercury switch. "Mercury switch" means a mercury-added product or device ~~that opens or closes an electrical circuit or gas valve for measuring, controlling or regulating the flow of gas, other fluids or electricity.~~ "Mercury switch" includes mercury float switches actuated by rising or falling liquid levels, mercury tilt switches actuated by a change in the switch position, mercury pressure switches actuated by a change in pressure, mercury temperature switches actuated by a change in temperature ~~and~~ mercury flame sensors ~~and mercury connectors for making, breaking or changing the connection in an electrical circuit.~~ "Mercury switch" does not include a mercury-added thermostat as defined in section 1665-B, subsection 1, paragraph B.

Sec. 2. 38 MRSA §1661-C, sub-§5, as amended by PL 2003, c. 221, §3, is repealed.

Sec. 3. 38 MRSA §1665-A, sub-§5, as amended by PL 2005, c. 561, §9, is further amended to read:

5. Motor vehicle manufacturer responsibility. Manufacturers of motor vehicles sold in this State that contain mercury switches or mercury headlamps shall, individually or collectively, do the following:

A. ~~By January 1, 2003, establish and maintain consolidation facilities geographically located to serve all areas of the State to which mercury switches removed pursuant to this section may be transported by the persons performing the removal. A consolidation facility may not be a facility that is licensed in the State as a new or used automobile dealership; Establish a system to collect and recycle mercury switches removed pursuant to subsection 3. The system may consist of consolidation facilities geographically located to serve all areas of the State to which the switches may be transported by the persons performing the removal or any other collection methodology approved by the department. The system must be~~

convenient to use, must accept the switches free of charge and may not provide for collection of the switches at an automobile dealership;

B. Pay for each mercury switch brought to the consolidation facilities as partial compensation for the removal, storage and transport of the switches a minimum of \$4 if the vehicle identification number of the source vehicle is provided. If the vehicle identification number of the source vehicle is not provided, no payment is required;

C. Ensure that mercury switches ~~redeemed at the consolidation centers collected pursuant to paragraph A~~ are managed in accordance with the universal waste rules adopted by the board under subsection 8; and

D. Provide the department and persons who remove motor vehicle components under this section with information, training and other technical assistance required to facilitate removal and recycling of the components in accordance with the universal waste rules adopted by the board under subsection 8, including, but not limited to, information identifying the motor vehicle models that contain or may contain mercury switches or mercury headlamps.

The goal of this collection and recycling effort is to ~~collect and recycle at least 90 pounds of mercury per year from~~ minimize mercury emissions to the environment by ensuring that all mercury switches are removed from motor vehicles for recycling before the vehicles are flattened, baled or crushed. By September 30, 2002, motor vehicle manufacturers shall provide the department with a plan as to how they intend to comply with the requirements of this subsection.

In complying with the requirements of this subsection, manufacturers of motor vehicles shall establish a system that does not require a person who removes a mercury switch to segregate switches separately according to each manufacturer of motor vehicles from which the switches are removed.

Sec. 4. 38 MRSA §1665-B, sub-§1, as enacted by PL 2005, c. 558, §1, is repealed and the following enacted in its place:

1. Definitions. For purposes of this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Manufacturer" means a person who owns or owned a brand of mercury-added thermostats sold in the State before January 1, 2006.

B. "Mercury-added thermostat" or "mercury thermostat" means a product or device that uses a mercury switch to sense and control room temperature through communication with heating, ventilating or air conditioning equipment. "Mercury-added thermostat" or "mercury thermo-