

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

administration of controlled substances, as defined in the Maine Revised Statutes, Title 22, section 7246, for use by licensed prescribers. The protocol must be developed no later than February 1, 2010. The Board of Licensure in Medicine shall notify the Joint Standing Committee on Business, Research and Economic Development of the protocol. The joint standing committee is authorized to submit legislation regarding the protocol to the Second Regular Session of the 124th Legislature.

See title page for effective date.

CHAPTER 57

H.P. 698 - L.D. 1010

Resolve, To Require the Department of Environmental Protection To Review Emerging Technologies and the Laws Regarding Incinerators

Sec. 1. Task force; report; authority to submit legislation. Resolved: That the Department of Environmental Protection shall review whether facilities using emerging waste-to-energy technologies that provide environmental and energy benefits should be excluded from the statutory ban on the establishment of new commercial incinerators under the Maine Revised Statutes, Title 38, section 1310-X. The department shall establish a task force to advise the department on matters relating to the review. By January 5, 2010, the department shall submit a report, including its findings, recommendations and, if needed, legislation implementing the recommendations, to the Joint Standing Committee on Natural Resources. The committee may submit legislation relating to the report to the Second Regular Session of the 124th Legislature.

See title page for effective date.

CHAPTER 58

H.P. 733 - L.D. 1066

Resolve, Directing the Board of Trustees of the Maine Criminal Justice Academy To Amend Its Minimum Standards for the Law Enforcement Use of Force Policy

Sec. 1. Board of Trustees of the Maine Criminal Justice Academy to amend its minimum standards for the law enforcement use of force policy. Resolved: That the Board of Trustees of the Maine Criminal Justice Academy is di-

rected to amend its minimum standards for the use of force policy relative to the procedure for agency investigation and review of the use of deadly force to include, at a minimum, the convening of an incident review team consisting of members appointed by the chief executive officer of each law enforcement agency. Members appointed must include at least one member who is a commissioned officer of the Maine State Police and at least one member of the public who is not and has not previously served as a sworn law enforcement officer. The incident review team shall review the use of deadly force to determine the facts of an incident, whether relevant policy was clearly understandable and effective to cover the particular situation and whether changes are necessary to incorporate improved procedures or practices demonstrated to increase public safety or officer safety, whether training protocols should be reviewed or revised and whether equipment or other resources should be modified. The incident review team shall generate a written report of its findings, and that report is public as provided under the Maine Revised Statutes, Title 5, section 7070-A and Title 30-A, section 503, subsection 1-A and Title 30-A, section 2702, subsection 1-A; and be it further

Sec. 2. Reporting date established. Resolved: That the Board of Trustees of the Maine Criminal Justice Academy shall report about the implementation of the changes to the use of deadly force policy and the work of the incident review teams under section 1 to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters no later than January 15, 2011. The report must include at least the following information: an update on law enforcement agency compliance and implementation of the policy change, the number of incidents where an officer used deadly force, the number of incident review teams that were convened to review instances of the use of deadly force, the number of reports generated by incident review teams and the availability of those reports.

See title page for effective date.

CHAPTER 59

S.P. 402 - L.D. 1084

Resolve, To Improve Continuity of Coverage for Participants in Medicare Advantage Plans

Sec. 1. Bureau of Insurance to amend eligibility rules for Medicare. Resolved: That the Department of Professional and Financial Regulation, Bureau of Insurance shall amend Bureau of Insurance Rule Chapter 275 to extend from one year to 3 years the period during which a Medicare beneficiary who is enrolled in a Medicare Advantage plan and returns to