

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

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

Augusta, Maine
2011

M. The state-designated statewide health information exchange shall develop a quality management plan, including auditing mechanisms, in consultation with the office of the state coordinator for health information technology within the department, who shall review the plan and results.

Sec. 4. 22 MRSA §1711-C, sub-§20 is enacted to read:

20. Exemption from freedom of access laws. Except as provided in this section, the names and other identifying information of individuals in a state-designated statewide health information exchange are confidential and are exempt from the provisions of Title 1, chapter 13.

Sec. 5. Report. A state-designated statewide health information exchange under the Maine Revised Statutes, Title 22, section 1711-C shall by January 1, 2012 present a progress report to the office of the state coordinator for health information technology within the Department of Health and Human Services. The report must include the projected implementation date for the secure website required under Title 22, section 1711-C.

See title page for effective date.

CHAPTER 374

H.P. 1045 - L.D. 1419

An Act To Improve the Coordination of County Correctional Services

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

Sec. 1. 30-A MRSA §406, sub-§1, as enacted by PL 2007, c. 653, Pt. A, §6, is amended to read:

1. Managing jail and prison capacity and offender placement. Consistent with the board's determination of facility use and purpose under Title 34-A, section 1803, subsection 2, paragraph A, the sheriffs shall assist the Commissioner of Corrections with respect to the daily management of offender bed space throughout the ~~unified~~ coordinated correctional system pursuant to Title 34-A, section 1801, subsection 1. The sheriffs shall daily provide the following information to the Commissioner of Corrections:

- A. Facility population by gender; classification; legal status, including pretrial or sentenced; special needs; and any other parameters determined by the Commissioner of Corrections; and
- B. Facility capacity and available bed space or bed space needs by the reportable parameters under paragraph A.

Sec. 2. 30-A MRSA §406, sub-§1-A is enacted to read:

1-A. Accepting transferred inmates. A correctional facility shall accept any inmate transferred to it by the Commissioner of Corrections pursuant to Title 34-A, sections 1404 or 1405 if:

A. Such transfer is consistent with policies established by the board pursuant to Title 34-A, section 1803; and

B. There are sufficient vacant and budgeted beds in that facility appropriate for the security classification and any special needs or circumstances of the transferred inmate.

Sec. 3. 30-A MRSA §406, sub-§2, as enacted by PL 2007, c. 653, Pt. A, §6, is amended to read:

2. Coordinated correctional system plan. The sheriffs may recommend a downsizing plan, a plan for capital construction and a reinvestment ~~strategies~~ strategy to the board.

Sec. 4. 30-A MRSA §709, as enacted by PL 2007, c. 653, Pt. A, §11, is amended to read:

§709. County correctional services budgets presented to State Board of Corrections

Notwithstanding any other provision of law, beginning July 1, ~~2008~~ 2012 and for all subsequent fiscal years, ~~4-12~~ 12 months prior to the beginning of the ~~fiscal year~~ year the county clerk from next biennium each county shall submit ~~that county's annual~~ its proposed biennial correctional services budget ~~for the state fiscal year~~ to the State Board of Corrections established in Title 5, section 12004-G, subsection 6-C. The proposed budget submitted must be signed by the chair of the county commissioners and attested to by the county commissioners' clerk. The budget must include specific amounts for each correctional services related expenditure.

Sec. 5. 30-A MRSA §710, sub-§§1 to 3, as enacted by PL 2007, c. 653, Pt. A, §12, are amended to read:

1. Budget growth guidance and proposed budget. At least 6 14 months before the beginning of ~~each state fiscal year~~ the first year of the next biennium, the ~~State Board of Corrections, established in Title 5, section 12004 G, subsection 6 C and referred to in this section as "the board,"~~ corrections working group established in Title 34-A, section 1804 shall set a growth limitation provide biennial budget growth guidance for the correctional services expenditures in the new fiscal year for each county biennial budget. The county commissioners shall submit proposed itemized correctional services budgets to the board in a format and by a date to be determined ~~annually~~ annually by the board, but no later than 12 months before the beginning of the next biennium.

2. Review of county correctional services budgets. The board shall review, amend if necessary and approve each county correctional services budget submitted under subsection 1. ~~If the county correctional services budget submitted to the board does not exceed the growth limitation established under subsection 1 and is consistent with board directives under Title 34 A, section 1803, the board must accept the county commissioners' approval of the county's correctional services budget.~~

~~If the county correctional services budget submitted exceeds the growth limitation established under subsection 1 or is inconsistent with board directives under Title 34 A, section 1803, the board must further review, amend and adopt a correctional services budget for the county under subsections 3, 4 and 5.~~

3. Hearing on county commissioners' budget. ~~If a county correctional services budget submitted to the board exceeds the growth limitation established under subsection 1 or is inconsistent with a directive of the board under Title 34 A, section 1803, the board must further review the proposed budget together with any supplementary material prepared by the county commissioners, county correctional services administrators, the Department of Corrections or any other person or entity from whom the board chooses to receive supplementary material. The board may hold a hearing under this subsection, except that it shall hold a hearing on a county correctional services budget when the county requests a hearing. If the board holds a hearing under this subsection, the provisions of Title 5, chapter 375, subchapter 4 apply.~~

Sec. 6. 34-A MRSA §1404, sub-§§1 and 2, as enacted by PL 2007, c. 653, Pt. A, §28, are amended to read:

1. Managing facility capacity and inmate placement. Consistent with the board's determination of facility use and purpose under section 1803, subsection 2, paragraph A, the commissioner is responsible for the daily management of inmate bed space throughout the unified coordinated correctional system and shall direct the transfer of inmates between facilities in order to fulfill this responsibility. The commissioner shall develop a process for information sharing between the correctional facilities and the county jails, which must include at a minimum:

- A. Daily reporting to the department by county jails of:
 - (1) Facility population by gender; classification; legal status, including pretrial or sentenced; special needs; and any other parameters determined by the commissioner; and
 - (2) Facility capacity and available bed space or bed space needs by the reportable parameters under subparagraph (1); and

B. Regular consultation with sheriffs.

2. Coordinated correctional system plan. The commissioner may recommend a downsizing plan and a reinvestment ~~strategies~~ strategy to the board.

Sec. 7. 34-A MRSA §1801, sub-§1, as enacted by PL 2007, c. 653, Pt. A, §30, is amended to read:

1. Purpose of the board. The purpose of the board is to develop and implement a unified coordinated correctional system that demonstrates sound fiscal management, achieves efficiencies, reduces recidivism and ensures the safety and security of correctional staff, inmates, visitors, volunteers and surrounding communities.

Sec. 8. 34-A MRSA §1801, sub-§2, as enacted by PL 2007, c. 653, Pt. A, §30, is amended to read:

2. State goals. The board shall develop goals to guide the development of and evaluate the effectiveness of a unified coordinated correctional system. The board shall present its goals for review and approval by the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters. The goals must include benchmarks for performance in the following areas:

- A. Recidivism reduction;
- B. Pretrial diversion; and
- C. Rate of incarceration.

Sec. 9. 34-A MRSA §1802, sub-§1, ¶¶A and B, as enacted by PL 2007, c. 653, Pt. A, §30, are amended to read:

A. ~~One member must be a sitting sheriff~~ Two members selected from a list of 3 nominations submitted to the Governor by a statewide organization representing sheriffs, at least one of whom must be a county sheriff;

B. ~~One member must be a sitting county commissioner~~ Two members selected from a list of 3 nominations submitted to the Governor by a statewide organization representing county commissioners, at least one of whom must be a county commissioner;

Sec. 10. 34-A MRSA §1802, sub-§1, ¶E, as amended by PL 2009, c. 89, §1, is further amended to read:

E. ~~Four~~ Two members must be broadly representative of the public ~~and the geographical regions of the State. One of the 4 members appointed under this paragraph must be selected from a list of 3 nominations submitted to the Governor by a statewide organization representing county commissioners.~~ A member appointed under this paragraph may not be an elected state or county offi-

cial or municipal officer and may not derive income in substantial portion from work as an employee of a state, county or municipal government or in the field of corrections.

Sec. 11. 34-A MRSA §1803, first ¶, as enacted by PL 2007, c. 653, Pt. A, §30, is amended to read:

The In addition to other duties and powers set out in this Title, the board is charged with the following responsibilities and duties.

Sec. 12. 34-A MRSA §1803, sub-§1, as amended by PL 2009, c. 391, §§11 to 13, is further amended to read:

1. Manage the cost of corrections. The board shall develop a plan to achieve systemic cost savings and cost avoidance throughout the unified coordinated correctional system with the goal of operating efficient correctional services. Additionally, the board shall:

A. Set and enforce a yearly growth limitation for Review, amend if necessary and adopt the correctional services expenditures in each county budget under Title 30-A, section 710;

B. Develop reinvestment strategies within the unified coordinated correctional system to improve services and reduce recidivism;

C. Establish boarding rates for the unified coordinated correctional system, except boarding rates for federal inmates; and

D. Review department biennial and supplemental budget proposals affecting adult correctional and adult probation services and submit recommendations regarding these budget proposals to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs;

E. Develop parameters for facility population, including but not limited to gender; classification; legal status, including pretrial or sentenced; and special needs; and

F. Enter into contracts on behalf of and with the consent of the county commissioners and sheriffs in the case of county jails, and with the consent of the board of directors of the regional jail authority in the case of a regional jail, for goods and services when such contracts will:

(1) Lower the cost of providing correctional services;

(2) Improve delivery of correctional services; or

(3) Otherwise help to achieve the goals of the board pursuant to section 1801.

Sec. 13. 34-A MRSA §1803, sub-§3, ¶C, as enacted by PL 2007, c. 653, Pt. A, §30, is amended to read:

C. Coordinate transportation of inmates in the unified coordinated correctional system.

Sec. 14. 34-A MRSA §1803, sub-§10, as enacted by PL 2007, c. 653, Pt. A, §30, is amended to read:

10. Reporting. The board shall make initial reports to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 15, 2009 and by April 1, 2009. Thereafter, the board shall report at least annually, beginning January 15, 2010, and as requested. Reports must include any recommendations for amending laws relating to the unified coordinated correctional system or the board.

Sec. 15. 34-A MRSA §1803-A is enacted to read:

§1803-A. Office of executive director

1. Appointment. The Commissioner of Corrections, with the advice and the consent of the board, and on a timetable directed by the board, shall hire an executive director who serves at the pleasure of the board.

2. Qualifications. To qualify for appointment as executive director, a person must have training and experience commensurate with the duties and powers assigned to the position as determined by the board.

3. Duties and powers of executive director. The Executive Director of the State Board of Corrections shall perform administrative duties and exercise the powers consistent with policies established by the board.

Sec. 16. 34-A MRSA §1804, last ¶, as enacted by PL 2007, c. 653, Pt. A, §30, is amended to read:

The corrections working group shall meet as needed and as requested by either one or both cochairs to engage in information sharing and to discuss and resolve any issues or problems experienced in daily operation of the unified coordinated correctional system, including the placement of inmates. The group shall advise and assist the board in the ongoing improvement of the unified coordinated correctional system. In carrying out this function, the working group may consult with experts and stakeholders, including but not limited to prosecutors, defense attorneys, judges, victim advocates, providers and advocates for persons with mental illness and other interested parties. If an issue arises that cannot be responded to by the working group, the board shall meet to review the issue. The working group shall report to the board.

Sec. 17. Transition of membership of State Board of Corrections. Notwithstanding the Maine Revised Statutes, Title 34-A, section 1802, subsection 1, a member of the State Board of Corrections who is serving on the effective date of this Act continues to serve until the expiration of that member's term and until that member's replacement is appointed and confirmed.

See title page for effective date.

CHAPTER 375

H.P. 533 - L.D. 703

**An Act To Amend the Laws
Governing Licensure
Compliance Methods for
Camping Areas, Recreational
Camps, Youth Camps and
Eating Establishments**

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

Sec. 1. 22 MRSA §2494, last ¶, as amended by PL 2007, c. 539, Pt. F, §1, is further amended to read:

All such fees are for the license, ~~2~~ one licensure ~~inspections~~ inspection and one follow-up inspection. When additional inspections are required to determine an applicant's eligibility for licensure, the department is authorized through its rules to charge an additional fee not to exceed \$100 to cover the costs of each additional inspection or visit. Failure to pay such charges within 30 days of the billing date constitutes grounds for revocation of the license, unless an extension for a period not to exceed 60 days is granted in writing by the commissioner.

Sec. 2. 22 MRSA §2497, as amended by PL 1991, c. 528, Pt. J, §4 and affected by Pt. RRR and amended by c. 591, Pt. J, §4, is further amended to read:

§2497. Right of entry, inspection and determination of compliance

The department and any duly designated officer or employee of the department have the right, without an administrative inspection warrant, to enter upon and into the premises of any establishment licensed pursuant to this chapter at any reasonable time in order to determine the state of compliance with this chapter and any rules in force pursuant to this chapter. ~~The department shall make an inspection of the premises of any establishment licensed under this chapter at least once in each year.~~ Such right of entry and inspection extends to any premises ~~which~~ that the department has reason to believe is being operated or maintained without a license but no such entry and inspection of

any premises may be made without the permission of the owner or person in charge unless a search warrant is obtained authorizing entry and inspection. The department and any duly designated officer or employee of the department do not have the right to enter, for inspection under this chapter, upon and into the premises of any establishment that is licensed under chapter 551, subchapter ~~1~~ 1.

Determination of compliance with this chapter and any rules adopted pursuant to this chapter must be made at least once every 2 years by inspection or other method as determined by the department.

See title page for effective date.

CHAPTER 376

S.P. 442 - L.D. 1428

**An Act To Amend the Laws
Governing Self-service Storage
in the State**

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

Sec. 1. 10 MRSA §1372, sub-§1-A is enacted to read:

1-A. Abandoned leased space. "Abandoned lease space" means a leased space that the operator finds unlocked and empty or unlocked and containing personal property with a value less than \$750 or a leased space possession of and all rights to which and any personal property within which have been surrendered to the operator by the occupant.

Sec. 2. 10 MRSA §1372, sub-§1-B is enacted to read:

1-B. Electronic mail. "Electronic mail" means electronic mail sent or delivered by transmission over the Internet.

Sec. 3. 10 MRSA §1372, sub-§6, as enacted by PL 1989, c. 62, is amended to read:

6. Personal property. "Personal property" means movable property, not affixed to land. Personal property includes, but is not limited to, goods, wares, merchandise, motor vehicles, watercraft, all-terrain vehicles, off-road vehicles, recreational vehicles and household items and furnishings.

Sec. 4. 10 MRSA §1372, sub-§9 is enacted to read:

9. Verified mail. "Verified mail" means any method of mailing that is offered by the United States Postal Service and provides evidence of mailing.

Sec. 5. 10 MRSA §1374, sub-§1, as enacted by PL 1989, c. 62, is amended to read: