

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2012 to July 10, 2013

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 9, 2013

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

Augusta, Maine
2013

1. **Fees.** The ~~board~~ bureau shall seek to establish fees under this section that are based on the incremental costs of providing public safety answering point services and dispatch services to political subdivisions.

2. **Base funding level.** In order to determine incremental costs under subsection 1, the ~~board~~ bureau shall first establish a base funding level, consistent with the department's legislatively approved budget for public safety answering point services and dispatch services, required to provide public safety answering point services and dispatch services to State Government entities. The base funding level must be based on services provided by the department prior to the provision of emergency dispatch and E-9-1-1 call-taking services to municipal and county governments as a result of actions taken by the bureau under section 1533. The base funding level must be excluded by the ~~board~~ bureau from its determination of incremental costs under subsection 1.

3. **Consideration of population.** If a fee established under this section for a political subdivision is based in whole or in part on population, the population of the political subdivision may not include persons held at a correctional facility, as defined in Title 34-A, section 1001, subsection 6, within the political subdivision.

Sec. 6. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 25, chapter 192-B, in the chapter headnote, the words "maine communications system policy board" are amended to read "bureau of consolidated emergency communications" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

CHAPTER 20
S.P. 224 - L.D. 634

**An Act Regarding Permits for
Final Disposition of Dead
Human Bodies**

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

Sec. 1. 22 MRSA §2843, sub-§§2 and 3, as amended by PL 2009, c. 601, §27, are further amended to read:

2. **Permit for disinterment or removal.** A dead human body may not be disinterred or removed from any vault or tomb until the person in charge of the disinterment or removal has obtained a permit from the State Registrar of Vital Statistics or from the clerk of the municipality where the dead human body is

buried or entombed. The permit must be issued upon receipt of a notarized application signed by the next of kin of the deceased who verifies that the signer is the closest surviving known relative and, ~~where when~~ any other family member of equal or greater legal or blood relationship or a domestic partner of the decedent also survives, that all such persons are aware of, and do not object to, the disinterment or removal. ~~Nothing contained in this~~ This subsection precludes ~~does not preclude~~ a court of competent jurisdiction from ordering or enjoining disinterment or removal pursuant to section 3029 or in other appropriate circumstances. For purposes of this subsection, "domestic partner" means one of 2 unmarried adults who are domiciled together under long-term arrangements that evidence a commitment to remain responsible indefinitely for each other's welfare.

3. **Permit for burial.** The person in charge of each burying ground or crematory in this State shall endorse, and provide the date the body was disposed of on, each such permit with which that person is presented, and return it to the State Registrar of Vital Statistics or to the clerk of the municipality in which such burying ground or crematory is located within 7 days after the date of disposition. If there is no person in charge of the burying ground, an official of the municipality in which the burying ground is located shall endorse, and provide the date the body was disposed of on, each such permit, and present it to the State Registrar of Vital Statistics or the clerk of the municipality. The funeral director or authorized person shall present a copy of each permit, after endorsement, to the State Registrar of Vital Statistics or the clerk of the municipality where death occurred and to the clerk who issued the permit.

See title page for effective date.

CHAPTER 21
H.P. 235 - L.D. 325

**An Act To Repeal Provisions of
the Law That Apply or Refer
to State Facilities for Persons
with Intellectual Disabilities**

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

Sec. 1. 4 MRSA §152, sub-§4, as amended by PL 2011, c. 542, Pt. A, §1 and c. 614, §1, is repealed and the following enacted in its place:

4. Exclusive jurisdiction. Original jurisdiction, not concurrent with that of the Superior Court, of mental health commitment hearings under Title 34-B, chapter 3, subchapter 4, habitual truancy actions under Title 20-A, chapters 119 and 211 under which equita-

ble relief may be granted and small claims actions under Title 14, chapter 738:

Sec. 2. 15 MRSA §101-D, sub-§5, ¶A, as amended by PL 2011, c. 542, Pt. A, §9, is further amended to read:

A. Commit the defendant to the custody of the Commissioner of Health and Human Services to be placed in an appropriate institution for the care and treatment of people with mental illness or in an appropriate residential program that provides care and treatment for persons who have intellectual disabilities or autism for observation, care and treatment. At the end of 30 days or sooner, and again in the event of recommitment, at the end of 60 days and one year, the State Forensic Service or other appropriate office of the Department of Health and Human Services shall forward a report to the Commissioner of Health and Human Services relative to the defendant's competence to stand trial and its reasons. The Commissioner of Health and Human Services shall without delay file the report with the court having jurisdiction of the case. The court shall without delay set a date for and hold a hearing on the question of the defendant's competence to stand trial and receive all relevant testimony bearing on the question. If the court determines that the defendant is not competent to stand trial, but there does exist a substantial probability that the defendant will be competent to stand trial in the foreseeable future, the court shall recommit the defendant to the custody of the Commissioner of Health and Human Services to be placed in an appropriate institution for the care and treatment of people with mental illness or in an appropriate residential program that provides care and treatment for persons who have intellectual disabilities or autism for observation, care and treatment. When a person who has been evaluated on behalf of the court by the State Forensic Service or other appropriate office of the Department of Health and Human Services is committed into the custody of the Commissioner of Health and Human Services under this paragraph, the court shall order that the State Forensic Service or other appropriate office of the Department of Health and Human Services share any information that it has collected or generated with respect to the person with the institution or residential program in which the person is placed. If the defendant is charged with an offense under Title 17-A, chapter 9, 11 or 13 or Title 17-A, section 506-A, 802 or 803-A and the court determines that the defendant is not competent to stand trial and there does not exist a substantial probability that the defendant can be competent in the foreseeable future, the court shall dismiss all charges against the defendant and, unless the defendant is subject to an undischarged term of im-

prisonment, order the Commissioner of Health and Human Services to commence ~~involuntary commitment~~ proceedings pursuant to Title 34-B, chapter 3, subchapter 4 ~~or chapter 5, subchapter 3~~. If the defendant is charged with ~~offenses not listed in the previous sentence~~ an offense other than an offense under Title 17-A, chapter 9, 11 or 13 or Title 17-A, section 506-A, 802 or 803-A and the court determines that the defendant is not competent to stand trial and there does not exist a substantial probability that the defendant can be competent in the foreseeable future, the court shall dismiss all charges against the defendant and, unless the defendant is subject to an undischarged term of imprisonment, notify the appropriate authorities who may institute civil commitment proceedings for the individual. If the defendant is subject to an undischarged term of imprisonment, the court shall order the defendant into execution of that sentence and the correctional facility to which the defendant must be transported shall execute the court's order; or

Sec. 3. 34-B MRSA §5461, sub-§5, as amended by PL 2011, c. 542, Pt. A, §104, is repealed.

Sec. 4. 34-B MRSA §5461, sub-§7-A, as amended by PL 2011, c. 542, Pt. A, §105, is repealed.

Sec. 5. 34-B MRSA §5461, sub-§8, as amended by PL 2011, c. 542, Pt. A, §106, is repealed.

Sec. 6. 34-B MRSA §5462, sub-§1, ¶B, as amended by PL 2011, c. 542, Pt. A, §108, is further amended to read:

B. The development of a personal plan or service plan for the delivery and coordination of services to the person through a personal planning process; and

Sec. 7. 34-B MRSA §5462, sub-§1, ¶C, as amended by PL 2011, c. 542, Pt. A, §108, is repealed.

Sec. 8. 34-B MRSA §5465, sub-§2, ¶¶C and D, as enacted by PL 1983, c. 459, §7, are amended to read:

C. The rights of clients ~~while at a facility or~~ while in departmental programs; and

D. The rights and procedures for administrative review if there is dissatisfaction with any step of the process of receiving services specified in this Article ~~or if there is any grievance arising during the course of voluntary admission to or treatment in any facility~~, including provisions for the development of regional committees to review any ~~grievance or~~ dissatisfaction.

Sec. 9. 34-B MRSA §5466, sub-§1, as amended by PL 1983, c. 580, §16, is further amended to read:

1. Entitlement. Each client who receives services under sections 5467 to ~~5474~~ 5471 is entitled to have access to an advocate.

Sec. 10. 34-B MRSA §5467, sub-§2, ¶D, as amended by PL 2011, c. 542, Pt. A, §110, is further amended to read:

D. Ensure the client's access to an advocate throughout the process of adult developmental services under sections 5467 to ~~5474~~ 5471;

Sec. 11. 34-B MRSA §5471, sub-§2, ¶D, as amended by PL 2003, c. 389, §15, is further amended to read:

D. The individual support coordinator of the planning team that developed the personal plan or service plan for the client; and

Sec. 12. 34-B MRSA §5471, sub-§2, ¶E, as amended by PL 1995, c. 560, Pt. K, §58, is repealed.

Sec. 13. 34-B MRSA §5471, sub-§2, ¶F, as amended by PL 2003, c. 389, §15, is repealed.

Sec. 14. 34-B MRSA §5471, sub-§3, ¶A, as amended by PL 2003, c. 389, §15, is further amended to read:

A. It must specify the respective responsibilities, where applicable, of the client, the family or guardian of the client, the regional office, ~~the facility~~ and each public and private agency that intends to provide services to the client.

Sec. 15. 34-B MRSA §5471, sub-§4, ¶A, as amended by PL 2003, c. 389, §15, is further amended to read:

A. No part of a service plan or personal plan may be implemented until each person required to sign the service agreement under subsection 2 has signed it, ~~except that if a client is to be admitted to a facility, the service agreement need not be completed until 5 days after the date of admission.~~

Sec. 16. 34-B MRSA §5472, as enacted by PL 1983, c. 459, §7, is repealed.

Sec. 17. 34-B MRSA §5473, as amended by PL 2003, c. 389, §§16 and 17, is repealed.

Sec. 18. 34-B MRSA §5474, amended by PL 2011, c. 542, Pt. A, §115, is repealed.

Sec. 19. 34-B MRSA §5475, as amended by PL 2011, c. 542, Pt. A, §116, is repealed.

Sec. 20. 34-B MRSA §5476, as amended by PL 2011, c. 542, Pt. A, §117, is repealed.

Sec. 21. 34-B MRSA §5477, as amended by PL 2011, c. 542, Pt. A, §§118 and 119, is repealed.

Sec. 22. 34-B MRSA §5478, as amended by PL 2011, c. 542, Pt. A, §120, is repealed.

Sec. 23. 34-B MRSA §5479, as amended by PL 2003, c. 389, §21, is repealed.

Sec. 24. 34-B MRSA §5480, as amended by PL 2003, c. 389, §22, is repealed.

See title page for effective date.

CHAPTER 22

H.P. 132 - L.D. 157

An Act To Modify Administration of the Fund Insurance Review Board

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

Sec. 1. 38 MRSA §568-B, sub-§2, ¶C, as amended by PL 2011, c. 243, §3, is further amended to read:

C. To contract with the ~~Finance Authority of Maine~~ department for such assistance in fulfilling the review board's duties as the review board may require;

Sec. 2. 38 MRSA §568-B, sub-§2, ¶E, as repealed and replaced by PL 2011, c. 691, Pt. A, §41 and affected by §42, is amended to read:

E. To, at such times and in such amounts as it determines necessary, and in consultation with the ~~Finance Authority of Maine~~ department, direct the transfer of funds from the Underground Oil Storage Replacement Fund to the Ground Water Oil Clean-up Fund; and

See title page for effective date.

CHAPTER 23

S.P. 158 - L.D. 416

An Act To Allow Complainants in Disciplinary Actions To Attend Informal Conferences Held by the State Board of Nursing in Executive Session

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

Sec. 1. 32 MRSA §2105-A, sub-§1-A, as amended by PL 2001, c. 260, Pt. D, §2, is further amended to read:

1-A. Disciplinary proceedings and sanctions. The board shall investigate a complaint, on its own motion or upon receipt of a written complaint filed