

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST SPECIAL SESSION
August 29, 2013

SECOND REGULAR SESSION
January 8, 2014 to May 2, 2014

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
EMERGENCY LAW IS
SEPTEMBER 6, 2013

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2014

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

Augusta, Maine
2014

Whereas, the best solution involves the participation of all those interested in the judicial process concerning detention for emergency responses, involuntary treatment and involuntary commitment; and

Whereas, the Chief Justice of the Supreme Judicial Court has offered to convene a working group to examine the immediate and long-term needs and develop short-term and long-term solutions to improve the judicial involuntary commitment and treatment process; and

Whereas, it is imperative that this resolve take effect immediately so that the working group can complete its work in time for the committee of jurisdiction to submit legislation to the First Regular Session of the 127th Legislature; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Working group convened. Resolved: That, in accordance with the offer extended by the Chief Justice of the Supreme Judicial Court in her letter to the Joint Standing Committee on Judiciary dated March 3, 2014, the Chief Justice or the Chief Justice's designee shall convene a working group to review the current situation for both individuals and hospitals when individuals present emergency psychiatric needs in hospital emergency departments and to develop recommendations for addressing immediate and long-term needs of individuals, hospitals, psychiatric hospitals and health care providers. Specifically, the working group shall address the following issues:

1. The timing and length of preliminary and follow-up holding and commitment periods and requirements for involuntary treatment during such periods;
2. Process improvements for holding and commitment period determinations;
3. The current lack of health care providers available to address compliance with due process requirements and any procedural changes recommended by the working group; and
4. Any additional recommendations for improvement in the judicial commitment and involuntary treatment process; and be it further

Sec. 2. Participants. Resolved: That the Chief Justice of the Supreme Judicial Court or the Chief Justice's designee may invite the participation of the following in the working group convened under section 1:

1. A representative of an organization representing hospitals with emergency departments and hospitals with psychiatric units;

2. A representative of the Department of Health and Human Services;

3. Attorneys who represent patients in the judicial commitment process;

4. Disability rights advocates;

5. Medical and mental health professionals;

6. Mental health advocates;

7. Family advocates;

8. The Attorney General; and

9. Other interested parties; and be it further

Sec. 3. Report. Resolved: That the working group convened under section 1 shall submit a report of its findings and recommendations, including any legislative recommendations, by December 15, 2014 to the joint standing committee of the Legislature having jurisdiction over judiciary matters. The joint standing committee of the Legislature having jurisdiction over judiciary matters may report out legislation to the First Regular Session of the 127th Legislature to implement matters relating to the report.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 15, 2014.

CHAPTER 107

S.P. 729 - L.D. 1819

Resolve, To Create the Task Force To End Student Hunger in Maine

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, Maine has a moral obligation to care for its most vulnerable citizens; and

Whereas, Maine ranks first in New England in food insecurity; and

Whereas, in past years, Maine has underutilized up to \$30,000,000 of federal funding that could have been used to provide meals to hungry students; and

Whereas, food insecurity has proven to have a negative impact on student health and learning; and

Whereas, the United States Department of Agriculture recently announced a nationwide expansion of its program known as the Community Eligibility Provision, which increases access to breakfast and lunch for all students in low-income areas; and

Whereas, the Task Force To End Student Hunger in Maine must be initiated before the 90-day period expires so that the study may be completed and a report submitted in time for submission to the next legislative session; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Task force established. Resolved: That, notwithstanding Joint Rule 353, the Task Force To End Student Hunger in Maine, referred to in this resolve as "the task force," is established; and be it further

Sec. 2. Task force membership. Resolved: That the task force consists of 17 members as follows:

1. Three members of the Senate appointed by the President of the Senate, including members from each of the 2 parties holding the largest number of seats in the Legislature;

2. Four members of the House of Representatives appointed by the Speaker of the House, including members from each of the 2 parties holding the largest number of seats in the Legislature;

3. Six members of the public with expertise in the fields of school food service, child health, child development or child hunger or related fields, including 2 members whose children used or are using school food programs. Three members must be appointed by the President of the Senate and 3 members must be appointed by the Speaker of the House;

4. Two members of the public appointed by the Governor;

5. The Commissioner of Education or the commissioner's designee; and

6. The Commissioner of Health and Human Services or the commissioner's designee; and be it further

Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the task force; and be it further

Sec. 4. Appointments; convening of task force. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the task force. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative

Council may grant authority for the task force to meet and conduct its business; and be it further

Sec. 5. Duties. Resolved: That the task force shall meet 5 times. The task force shall study issues associated with the creation of a public-private partnership to provide expertise to school administrative units throughout the State in adopting best practices and maximizing available federal funds for addressing student hunger by using:

1. The United States Department of Agriculture, Food and Nutrition Service, National School Lunch Program;

2. The United States Department of Agriculture, Food and Nutrition Service, Child and Adult Care Food Program, At-Risk Afterschool Meals;

3. The United States Department of Agriculture, Food and Nutrition Service, Summer Food Service Program; and

4. The 4 privately funded hunger coordinators positioned in the Healthy Maine Partnerships districts to encourage the use of school food programs.

The task force shall draft a 3- to 5-year plan outlining a ramp-up of school food programs throughout the State; and be it further

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the task force; and be it further

Sec. 7. Report. Resolved: That, no later than December 9, 2014, the task force shall submit a report that includes its findings and recommendations, including suggested legislation, as well as actions that can be taken immediately, for presentation to the First Regular Session of the 127th Legislature; and be it further

Sec. 8. Outside funding. Resolved: That the task force shall seek funding contributions to fully fund the cost of the study. All funding is subject to approval by the Legislative Council in accordance with its policies. If sufficient contributions to fund the study have not been received within 30 days after the effective date of this resolve, no meetings are authorized and no expenses of any kind may be incurred or reimbursed; and be it further

Sec. 9. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LEGISLATURE

Study Commissions - Funding 0444

Initiative: Allocates funds to authorize the expenditure of outside contributions for the costs of the Task Force To End Student Hunger in Maine.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	\$770	\$770
All Other	\$1,230	\$1,230
	\$2,000	\$2,000
OTHER SPECIAL REVENUE FUNDS TOTAL		

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 16, 2014.

CHAPTER 108

H.P. 1240 - L.D. 1732

Resolve, Directing the Director of the Bureau of Parks and Lands To Convey the Chesuncook Community Church Building in Chesuncook Township to the Greenville Union Evangelical Church

Sec. 1. Conveyance of building. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry shall convey the Chesuncook Community Church building in Chesuncook Township to the Greenville Union Evangelical Church.

See title page for effective date.

CHAPTER 109

S.P. 748 - L.D. 1849

Resolve, To Establish the Commission To Study College Affordability and College Completion

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation needs to take effect before the expiration of the 90-day period in order to allow the commission established in this resolve sufficient time to complete its work; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of

the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Commission established. Resolved:

That, notwithstanding Joint Rule 353, the Commission To Study College Affordability and College Completion, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of 13 members as follows:

1. The President of the Senate shall appoint:

A. Two members of the Senate who serve on the Joint Standing Committee on Education and Cultural Affairs, including one member of the party holding the highest and one member of the party holding the 2nd highest number of seats in the Legislature;

B. One person representing a statewide association of independent higher education institutions; and

C. One person representing a statewide association of student financial aid directors;

2. The Speaker of the House shall appoint:

A. Three members of the House of Representatives who serve on the Joint Standing Committee on Education and Cultural Affairs, including 2 members of the party holding the highest and one member of the party holding the 2nd highest number of seats in the Legislature;

B. One person with expertise in higher education policy issues representing a nonprofit entity in the State that provides financial assistance to students or to high schools to assist students for college enrollment; and

C. One person with expertise in higher education policy issues representing a statewide education policy research institute; and

3. Four members of the publicly supported higher education systems in the State, including:

A. The Chancellor of the University of Maine System or the chancellor's designee;

B. The President of the Maine Community College System or the president's designee;

C. The President of the Maine Maritime Academy or the president's designee; and

D. The Chief Executive Officer of the Finance Authority of Maine or the chief executive officer's designee; and be it further