

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR AND FIRST SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed
during the Second Regular or First Special Sessions of the 123rd Maine
Legislature coming from the

**JOINT STANDING COMMITTEE ON HEALTH AND HUMAN
SERVICES**

May 2008

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STATE OF MAINE
123RD LEGISLATURE
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**LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS**

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the Second Regular or First Special Sessions of the 123rd Maine Legislature.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session (R2) is June 30, 2008. The effective date for non-emergency legislation enacted in the First Special Session (S1) is July 18, 2008.¹ The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills. Any bill summarized in this document having an LD number less than 1932 was a bill carried over from the First Regular Session of the 123rd Legislature.

¹ The session in which each law was enacted or finally passed (R2 or S1) is included in Appendix C.

Joint Standing Committee on Health and Human Services

LD 1951 An Act To Create the Mental Health Homicide, Suicide and Aggravated Assault Review Board

PUBLIC 609

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY	OTP-AM	H-950

This bill establishes the Mental Health Homicide Review Board to review homicides in which the victim or defendant had a mental illness. The board shall recommend to state and local agencies methods of preventing homicides involving persons with mental illness. The board shall collect and compile data related to homicides involving persons with mental illness and shall report biennially to the joint standing committee of the Legislature having jurisdiction over health and human services matters.

Committee Amendment "A" (H-950)

This amendment provides a new title for the bill and names the review board the Mental Health Homicide, Suicide and Aggravated Assault Review Board. It clarifies that the board has jurisdiction to review homicides, suicides and aggravated assaults involving persons with severe and persistent mental illness. It retains the same number of members on the board but changes the groups of persons represented or the reference to the groups. It requires the board to ensure that its data collection and work do not interfere with criminal investigations or prosecutions. It requires demands for the production of information or records to the board to be in writing and to an interested party. With regard to the restriction on releasing information, data or records, it extends that restriction beyond the board to members of the board and makes dissemination in violation of the law a Class E crime. It requires disseminated conclusions and recommendations of the board to be disclosed in a manner that does not identify parties, victims or witnesses. It requires the biennial report of the board to be reviewed by the joint standing committee of the Legislature having jurisdiction over health and human services matters at a public meeting at which members of the public have an opportunity to address the committee. It amends the general confidentiality law that applies to the Department of Health and Human Services with regard to mental health information, exempts meetings and records of the board from the laws governing freedom of access in order to guard confidentiality and allows release of information of the work of the board.

Enacted Law Summary

Public Law 2007, chapter 609 establishes the Mental Health Homicide, Suicide and Aggravated Assault Review Board. The board has jurisdiction to review homicides, suicides and aggravated assaults involving persons with severe and persistent mental illness. It requires the board to ensure that its data collection and work do not interfere with criminal investigations or prosecutions and that demands for the production of information or records to the board are in writing and to an interested party. It restricts the release of information and data and makes dissemination in violation of the law a Class E crime. It requires disseminated conclusions and recommendations of the board to be disclosed in a manner that does not identify parties, victims or witnesses. It requires the biennial report of the board to be reviewed by the joint standing committee of the Legislature having jurisdiction over health and human services matters at a public meeting at which members of the public have an opportunity to address the committee. It amends the general confidentiality law that applies to the Department of Health and Human Services with regard to mental health information, exempts meetings and records of the board from the laws governing freedom of access in order to guard confidentiality and allows release of information of the work of the board.