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An Act To Facilitate the Continued Operation of the Department of Corrections Intensive Mental Health Unit

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Whereas, this legislation continues in effect certain laws relating to the Department of Corrections that, if repealed before the expiration of the 90-day period as provided in current law, would create significant difficulties in the administration of the Department of Corrections; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 34-A MRSA §1001, sub-§11-B, as enacted by PL 2013, c. 434, §2, is amended to read:

11-B. Likelihood of serious harm. "Likelihood of serious harm" means a:

A. Substantial risk of physical harm to a person, as manifested by that person's recent threats of, or attempts at, suicide or serious self-inflicted harm;

B. Substantial risk of physical harm to other persons, as manifested by a person's recent homicidal or other violent behavior or recent conduct placing others in reasonable fear of serious physical harm; or

C. Reasonable certainty that a person will suffer severe physical or mental harm as manifested by that person's recent behavior demonstrating an inability to avoid risk or to protect the person's self adequately from impairment or injury.

~~This subsection is repealed August 1, 2017.~~

Sec. 2. 34-A MRSA §1001, sub-§12-A, as enacted by PL 2013, c. 434, §3, is amended to read:

12-A. Person with mental illness. "Person with mental illness" means a person who has attained 18 years of age and has been diagnosed as having a psychiatric or other illness that substantially impairs that person's mental health. An intellectual disability as defined in Title 34-B, section 5001, subsection 3 or a personality disorder is not a psychiatric or other illness for purposes of this subsection.
~~This subsection is repealed August 1, 2017.~~

Sec. 3. 34-A MRSA §3049, sub-§8, as enacted by PL 2013, c. 434, §4, is repealed.

Sec. 4. 34-A MRSA §3069-A, sub-§6, as enacted by PL 2013, c. 434, §5, is repealed.

Sec. 5. 34-A MRSA §3069-B, sub-§6, as enacted by PL 2013, c. 434, §6, is repealed.

Sec. 6. 34-B MRSA §1207, sub-§1, ¶B, as repealed and replaced by PL 2015, c. 329, Pt. A, §21, is amended to read:

B. Information may be disclosed if necessary to carry out the statutory functions of the department; the hospitalization provisions of chapter 3, subchapter 4; the provisions of section 1931; the purposes of section 3608; the purposes of Title 5, section 19506; the purposes of United States Public Law 99-319, dealing with the investigatory function of the independent agency designated with advocacy and investigatory functions under United States Public Law 88-164, Title I, Part C or United States Public Law 99-319; the investigation and hearing pursuant to Title 15, section 393, subsection 4-A; or the provision of mental health services by the Department of Corrections pursuant to Title 34-A, section 3031, 3069-A or 3069-B. ~~This paragraph is repealed August 1, 2017;~~

Sec. 7. 34-B MRSA §1207, sub-§1, ¶B-3, as amended by PL 2015, c. 329, Pt. A, §22, is repealed.

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

SUMMARY

This bill removes the provisions of law that on August 1, 2017 repeal provisions enacted in Public Law 2013, chapter 434 that enable the Department of Corrections to establish an intensive mental health unit, which provides services to the department's prisoners and to prisoners of jails, and that enable the department to obtain court orders for the involuntary medication of prisoners with mental illness.