

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Enhance Enforcement of Public Health Measures**

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

**Sec. 1. 22 MRSA §817**, as amended by PL 2005, c. 383, §14, is further amended to read:

### **§ 817. Discharge**

An individual committed to a hospital, facility or private home pursuant to section 812 or section 813 or subject to a prescribed care order of the department or a court pursuant to section 820 may be discharged ~~whenever~~when the physician responsible for that individual's treatment and the department determine that the individual may be discharged without danger to other individuals. The department shall immediately report the discharge, with a full statement of the reasons for the discharge, to the court that ordered the commitment.

If an individual committed to a hospital, facility or private home pursuant to section 812 or section 813 or subject to a prescribed care order of the department or a court pursuant to section 820 violates the commitment prior to discharge in accordance with this section, the hospital or physician responsible for treatment shall immediately report this to the department. An arrest warrant must be issued upon application by the department to the District Court or Superior Court.

**Sec. 2. 30-A MRSA §1560, sub-§1-A** is enacted to read:

**1-A. Transportation; medical care.** A person detained or committed to a jail or correctional facility as a consequence of a violation of a public health measure pursuant to Title 22, section 812 or section 813 or as a consequence of a violation of a prescribed care order pursuant to Title 22, section 820 may be transported by the sheriff or superintendent of the correctional facility for medical care if a court orders the transport. The Department of Health and Human Services shall bear the costs of transportation and the per diem compensation for the accompanying officers.

**Sec. 3. Review of treatment of persons subject to public health measures or prescribed care orders.** The Department of Health and Human Services shall review present procedures to place into custody persons in violation of public health measures issued pursuant to the Maine Revised Statutes, Title 22, sections 812 and 813, or prescribed care orders issued pursuant to Title 22, section 820, to determine the adequacy of those procedures in protecting public health and preventing the transmission of communicable disease, environmental disease or occupational disease. The review must include:

1. The feasibility of developing secure residential treatment facilities in the State or establishing relations with out-of-state residential treatment facilities to which persons determined to constitute significant public health risks could be involuntarily committed;

2. The feasibility of identifying a specific law enforcement agency in the State with whom to task the responsibility to execute arrest warrants in public health cases;

3. Consideration of methods to improve the State's arrest warrant repository system to ensure that arrest warrants in public health cases are promptly executed; and

4. An evaluation of treatment alternatives and public health interventions to prevent the transmission of communicable disease, environmental disease or occupational disease to law enforcement officers or other persons involved in the execution of arrest warrants in public health cases.

The Department of Health and Human Services shall include in its review input from representatives of the Department of Public Safety; the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency; the Criminal Law Advisory Commission; the Office of the Attorney General; and the Maine Sheriffs' Association. The Department of Health and Human Services shall report by January 31, 2008 to the Joint Standing Committee on Criminal Justice and Public Safety regarding the review and any recommendations. Upon receipt of the recommendations, the Joint Standing Committee on Criminal Justice and Public Safety may submit implementing legislation if necessary.

Effective September 20, 2007