

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 Implement Respectful Language Amendments

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

### PART A

**Sec. A-1. 5 MRSA §20051, sub-§1**, as enacted by PL 1989, c. 934, Pt. A, §3, is amended to read:

**1. Laws.** A county, municipality or other political subdivision may not adopt or enforce a local law, ordinance, regulation or rule having the force of law that includes drinking, being a ~~common drunkard~~ person with alcoholism or being found in an intoxicated condition as one of the elements of an offense giving rise to a criminal or civil penalty or sanction.

**Sec. A-2. 14 MRSA §5956, first ¶** is amended to read:

Any person interested as or through an executor, administrator, trustee, guardian or other fiduciary, creditor, devisee, legatee, heir, next of kin or cestui que trust in the administration of a trust, or of the estate of a decedent, an infant, ~~lunatic~~ a person who is legally incompetent or a person who is insolvent may have a declaration of rights or legal relations in respect thereto:

**Sec. A-3. 22 MRSA §822**, as amended by PL 2005, c. 383, §18, is further amended to read:

#### § 822. Reporting

Whenever any physician knows or has reason to believe that any person whom the physician examines or cares for has ~~or is afflicted with any~~ a disease or condition designated as notifiable, that physician shall notify the department and make such a report as may be required by the rules of the department. Reports must be in the form and content prescribed by the department and the department shall provide forms for making required reports.

**Sec. A-4. 22 MRSA §5107-J, sub-§2, ¶C**, as enacted by PL 2003, c. 465, §4, is amended to read:

C. The Governor shall appoint 3 members as follows:

- (1) One person who represents the area agencies on aging;
- (2) One person who represents persons and families afflicted with Alzheimer's disease or dementia; and
- (3) One person who represents a statewide organization representing persons with disabilities.

**Sec. A-5. 22 MRSA §8552, sub-§2, ¶A**, as enacted by PL 1995, c. 205, §1, is amended to read:

A. The program's written statement of its philosophy and mission that reflect the needs of individuals afflicted with dementia;

**Sec. A-6. 34-B MRSA §1402, sub-§2, ¶B**, as amended by PL 1995, c. 560, Pt. K, §27, is further amended to read:

B. Provide for informing and advising any indigent person, that person's relatives or friends and the representatives of any charitable agency as to:

- (1) The mental condition of the indigent person;
- (2) The prevention and treatment of the condition;
- (3) The available institutions or other means of caring for the afflicted person; and
- (4) Any other matter relative to the welfare of the person; and

**Sec. A-7. 34-B MRSA §9002, sub-§3**, as enacted by PL 1983, c. 459, §7, is amended to read:

**3. Mental deficiency.** "Mental deficiency" means mental deficiency as defined by appropriate clinical authorities to such extent that a person ~~so-affiliated~~ is incapable of managing ~~himself and his~~that person's affairs, but ~~shall~~may not include mental illness.

**Sec. A-8. 34-B MRSA §9002, sub-§4**, as enacted by PL 1983, c. 459, §7, is amended to read:

**4. Mental illness.** "Mental illness" means mental disease to such extent that a person ~~so-affiliated~~ requires care and treatment for ~~his~~that person's own welfare or the welfare of others or of the community.

**Sec. A-9. 37-B MRSA §601**, as amended by PL 2007, c. 167, §9, is further amended to read:

### **§ 601. Home established; purpose**

There must be public homes for veterans in Maine known as "Maine Veterans' Homes." In addition to the existing 120-bed home located in Augusta, a 120-bed home located in Scarborough, a home not to exceed 40 beds located in Caribou, a home located in Bangor not to exceed 120 beds, of which 40 beds are dedicated to ~~senile-dementia~~ patients with dementia, and a home located in South Paris not to exceed 90 beds, of which 30 beds are dedicated to ~~senile-dementia~~ patients with dementia, may be constructed if federal Veterans' Administration funds are available to meet part of the costs of each facility for construction or operation. In addition, a home located in Machias not to exceed 60 beds may be constructed if federal Veterans' Administration funds or funds from any other state, federal or private source are available to meet part of the costs of the facility for construction or operation, except that the Machias home may not begin operation prior to July 1, 1995 and the construction and funding of the

Machias home may not in any way jeopardize the construction, funding or financial viability of any other home. The Maine Veterans' Homes also are authorized to provide nonnursing facility care and services to Maine veterans if approved by appropriate state and federal authorities. The Board of Trustees of the Maine Veterans' Homes shall plan and develop the Machias home and any nonnursing facility care and services using any funds available for that purpose, except for the Augusta facility's funded depreciation account. The Maine Veterans' Homes are authorized to construct community-based outpatient clinics for Maine veterans in cooperation with the United States Department of Veterans Affairs and may construct and operate veterans hospice facilities, veterans housing facilities and other facilities authorized by the Board of Trustees of the Maine Veterans' Homes, using available funds. Any funds loaned to the Maine Veterans' Homes for operating purposes from the funded depreciation accounts of the Maine Veterans' Homes must be reimbursed from any funds received by the Maine Veterans' Homes and available for that purpose. The primary purpose of the Maine Veterans' Homes is to provide support and care for honorably discharged veterans who served on active duty in the United States Armed Forces or who served in the Reserves of the United States Armed Forces on active duty for other than training purposes or are entitled to retired pay under 10 United States Code, Chapter 1223 regardless of the age of such persons.

## **PART B**

**Sec. B-1. Develop recommendations for changes in statutory language.** The Department of Health and Human Services, referred to in this Part as "the department," shall review the Maine Revised Statutes to identify those sections that use the term "mental retardation" or "mentally retarded" and develop recommendations for removal of the terms or substitutions of language that reflect the recommendations of the respectful language working group in the report submitted by the Maine Developmental Disabilities Council to the Joint Standing Committee on Health and Human Services pursuant to Resolve 2007, chapter 62. The department shall seek input from interested stakeholders in the development of those recommendations.

**Sec. B-2. Report and recommendations.** By January 15, 2010, the department shall submit a report to the Joint Standing Committee on Health and Human Services regarding recommended changes for the Maine Revised Statutes pursuant to section 1.

**Sec. B-3. Authority for legislation.** After receipt and review of the recommendations submitted pursuant to section 2, the Joint Standing Committee on Health and Human Services may submit legislation to the Second Regular Session of the 124th Legislature.

Effective September 12, 2009