

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1551

H. P. 1366

House of Representatives, April 16, 1981

Submitted by the Department of Mental Health and Corrections pursuant to Joint Rule 24

Speaker laid before the House and on Motion of Representative LaPlante of Sabattus, referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Benoit of So. Portland.

Cosponsor: Senator Violette of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Assure the Rights of Mentally Retarded Persons to Family Style Living Units.

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

30 MRSA § 4962, sub-§ 1, ¶I, is enacted to read:

I. In order to implement the policy of this State that mentally handicapped, retarded or developmentally disabled persons should not be excluded from the benefits of normal residential surroundings, a state authorized certified or licensed group home, foster home or other community residential facility serving 8 or fewer mentally handicapped, retarded or developmentally disabled persons shall be considered a permitted single family residential use of property for the purposes of zoning, notwithstanding any municipal ordinance to the contrary.

STATEMENT OF FACT

The Federal Pineland Consent Decree and state law favoring community living

for handicapped persons, as articulated in Title 34, sections 2001, 2052, 2141, 2147, 2601 and 2611, require, insofar as possible, that developmentally disabled persons be able to live in small family style homes.

Many parents, handicapped persons and local service organizations have been frustrated in their attempts to carry out this intent by ambiguous or narrow interpretations of local zoning ordinances. This bill clarifies this situation by allowing small residential homes to be considered single family households for zoning purposes.