

MAINE STATE LEGISLATURE

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(Emergency)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 952

S.P. 324

In Senate, March 27, 1987

Reference to the Committee on Human Resources suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate
Presented by Senator MATTHEWS of Kennebec.

Cosponsored by Senator BUSTIN of Kennebec, Representative
ROLDE of York, Representative FOSTER of Ellsworth.

STATE OF MAINE

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

1 **Resolve, Creating the Commission to Study the**
2 **Use of Involuntary Services for**
3 **Substance Abusers.**
4

5 **Emergency preamble.** Whereas, Acts and resolves
6 of the Legislature do not become effective until 90
7 days after adjournment unless enacted as emergencies;
8 and

9 Whereas, many concerns about the involuntary com-
10 mitment of substance abusers have been raised; and

11 Whereas, persons who could benefit from the use
12 of involuntary services are not being committed be-
13 cause of the current law; and

14 Whereas, the definition of incapacitated alcohol-
15 ic persons presents some legal problems; and

1 Whereas, the present treatment sphere may have to
2 be expanded; and

3 Whereas, the State's legal responsibilities may
4 increase if treatment is mandated; and

5 Whereas, proper procedure as to obtaining treat-
6 ment orders is unclear; and

7 Whereas, the individual's rights, as well as
8 society's rights, must be addressed; and

9 Whereas, both emergency and long-term treatment
10 orders are unclear; and

11 Whereas, in the judgment of the Legislature,
12 these facts create an emergency within the meaning of
13 the Constitution of Maine and require the following
14 legislation as immediately necessary for the preser-
15 vation of the public peace, health and safety; now,
16 therefore, be it

17 **Commission created. Resolved:** That there is es-
18 tablished the Commission to Study the Use of Involun-
19 tary Services for Substance Abusers, consisting of 6
20 members, 3 members to be appointed by the President
21 of the Senate and 3 members to be appointed by the
22 Speaker of the House within 30 days of the effective
23 date. The President of the Senate and the Speaker of
24 the House shall notify the Executive Director of the
25 Legislative Council as soon as the appointments are
26 made; and be it further

27 **Duties. Resolved:** That the commission shall ex-
28 amine and propose recommendations to improve the laws
29 concerning the involuntary commitment of substance
30 abusers to treatment programs, including current
31 practices under the laws; the enforcement of current
32 laws; whether the laws apply to the full range of
33 persons intended to be served by the laws; and wheth-
34 er clients' rights are sufficiently recognized and
35 protected; and be it further

36 **Meetings. Resolved:** That the commission shall
37 meet as necessary to study the issues through exami-
38 nation of data from Maine and other states, to con-
39 sult with experts and persons involved with the pro-

1 grams and to conduct public hearings if necessary;
2 and be it further

3 **Report. Resolved:** That the commission shall pre-
4 pare a report to be submitted, together with any ac-
5 companying legislation, no later than January 31,
6 1988, to the Second Regular Session of the 113th Leg-
7 islatre; and be it further

8 **Assistance. Resolved:** That the Legislative
9 Council and the Department of Human Services shall
10 provide the commission with sufficient staff assist-
11 ance and pertinent existing information to carry out
12 these duties; and be it further

13 **Compensation. Resolved:** That the members of the
14 commission shall receive the legislative per diem, as
15 defined in the Maine Revised Statutes, Title 5, sec-
16 tion 12002, for days of attendance at commission
17 meetings. If the commission meets on a day when the
18 Legislature is in session, the members of the commis-
19 sion shall receive only one legislative per diem on
20 that day. All members of the commission shall re-
21 ceive expenses, as defined in the Maine Revised Stat-
22 utes, Title 5, section 12002, upon application to the
23 Executive Director of the Legislative Council for
24 those expenses; and be it further

25 **Convening of commission; selection of chairman.**
26 **Resolved:** When the appointment of all members of the
27 commission is completed, the Executive Director of
28 the Legislative Council shall call the commission to-
29 gether for its first meeting no later than September
30 7, 1987. The commission shall select a chairman from
31 among the commission members.

32 **Emergency clause.** In view of the emergency cited
33 in the preamble, this resolve shall take effect when
34 approved.

1

STATEMENT OF FACT

2 This resolve creates the Commission to Study the
3 use of Involuntary Services for Substance Abusers.
4 There is growing concern about the adequacy of many
5 aspects of the current law and whether the law is
6 used appropriately. The commission created under
7 this resolve will make a comprehensive analysis of
8 the issue and recommend legislation or other changes
9 necessary to improve the current system.

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