

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND ELEVENTH LEGISLATURE

**SECOND SPECIAL SESSION**

November 18, 1983

AND AT THE

**SECOND REGULAR SESSION**

January 4, 1984 to April 25, 1984

AND AT THE

**THIRD SPECIAL SESSION**

September 4, 1984 to September 11, 1984

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH  
IN ACCORDANCE WITH MAINE REVISED STATUTES  
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1986

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND ELEVENTH LEGISLATURE  
JANUARY 4, 1984 TO APRIL 25, 1984

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

Whereas, the First Regular Session of the 111th Legislature established a select commission to study certain aspects of the workers' compensation system and established the date of April 30, 1984, as the reporting date for that commission; and

Whereas, delays in forming the commission and beginning its assigned study have resulted in a need for further time to complete its study; 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:

PL 1983, c. 479, §31, last ¶ is amended to read:

The commission shall report its full findings to the Governor, the President of the Senate and the Speaker of the House of Representatives, together with any recommended legislation, no later than ~~April 30~~ June 30, 1984.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 13, 1984.

## CHAPTER 763

H.P. 1800 - L.D. 2393

AN ACT to Amend the Judicial  
Commitment Statute.

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

Whereas, in 1983, the Legislature enacted a law to provide for judicial commitment for those mentally retarded persons who posed a likelihood of serious harm to themselves or others; and

Whereas, such legislation provided for the applicant to show that commitment to a mental retardation facility was the best available means for the treatment or security of the client; and

Whereas, no corresponding provision was made for the District Court to rule on the issue of security of the individual and may only consider the treatment of the client as a factor in the commitment decision; and

Whereas, there are a small number of mentally retarded persons who pose a danger to others; and

Whereas, in some cases, appropriate treatment methods do not exist; and

Whereas, the needs and best interests of the mentally retarded person and the community must be considered within the judicial commitment process; 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:

34-B MRSA §5476, sub-§7, ¶A, as enacted by PL 1983, c. 580, §23, is amended to read:

A. The District Court shall so state in the record, if it finds upon completion of the hearing and consideration of the record:

(1) Clear and convincing evidence that the client is mentally retarded and that his recent actions and behavior demonstrate that he poses a likelihood of serious harm;

(2) That judicial commitment to the facility is the best available means for the treatment or security of the client; and

(3) That it is satisfied with the individual treatment plan offered by the facility.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 13, 1984.

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## CHAPTER 764

H.P. 1683 - L.D. 2228

### AN ACT to Protect Tenants From Lack of Heat.

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

Sec. 1. 14 MRSA §6021, sub-§6 is enacted to read:

6. Heating requirements. It is a breach of the implied warranty of fitness for human habitation when the landlord is obligated by agreement or lease to provide heat for a dwelling unit and:

A. The landlord maintains an indoor temperature which is so low as to be injurious to the health of occupants not suffering from abnormal medical conditions;

B. The dwelling unit's heating facilities are not capable of maintaining a minimum temperature of at least 68 degrees Fahrenheit at a distance of 3 feet from the exterior walls, 5 feet above floor level at an outside temperature of minus 20 degrees Fahrenheit; or

C. The heating facilities are not operated so as to protect the building equipment and systems from freezing.

Municipalities of this State are empowered to adopt or retain more stringent standards by ordinances, laws or regulations provided in this section. Any less restrictive municipal ordinance, law or regulation establishing standards are invalid and of no force and suspended by this section.