

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985
Chapters 384-End

AND AT THE

FIRST SPECIAL SESSION

November 13, 1985

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine
1985

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND TWELFTH LEGISLATURE

1985

§665. Court authority to order mediation

The court may, in any case under this subchapter, at any time refer the parties to mediation on any issues. Any agreement reached by the parties through mediation on any issues shall be reduced to writing, signed by the parties and presented to the court for approval as a court order. When agreement through mediation is not reached on any issue, the court must determine that the parties made a good faith effort to mediate the issue before proceeding with a hearing. If the court finds that either party failed to make a good faith effort to mediate, the court may refer the parties back to mediation order the parties to submit to mediation, may dismiss the action or any part of the action, may render a decision or judgment by default, may assess attorney's fees and costs or may impose any other sanction that is appropriate in the circumstances. The court may also impose an appropriate sanction upon a party's failure without good cause to appear for mediation after receiving notice of the scheduled time for mediation.

Effective September 19, 1985.

CHAPTER 397

S.P. 500 - L.D. 1361

AN ACT to Amend Judicial Certification Procedures.

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

Sec. 1. 34-B MRSA §5475, sub-§4, ¶C, as enacted by PL 1983, c. 459, §7, is repealed and the following enacted in its place:

C. Either:

(1) There is no less restrictive alternative to the care provided by the facility, consistent with the best interest of the client; or

(2) There is not currently available a less restrictive alternative to the care provided by the facility, consistent with the best interest of the client.

Sec. 2. 34-B MRSA §5475, sub-§6, as enacted by PL 1983, c. 459, §7, is repealed and the following enacted in its place:

6. Period of certification. If the court finds that the petitioner has proved eligibility in accordance with subsection 4, paragraph C, subparagraph (1), the court shall order the certification to remain in effect for a period of not more than 2 years from the day the certification order was issued.

If the court finds that the petitioner has proved eligibility in accordance with subsection 4, paragraph C, subparagraph (2), the court shall order the certification to remain in effect only until an opening exists in a facility providing a less restrictive alternative, consistent with the best interest of the client, at which time the client shall be placed in that alternative setting or for not more than 6 months from the day the certification order was issued, whichever first occurs. If the client is not placed in such an alternative setting by the time this certification expires, no subsequent petition may be filed unless it contains a written report of the Commissioner of Mental Health and Mental Retardation detailing the actions taken by the department to find or develop an alternative setting for that client.

Effective September 19, 1985.

CHAPTER 398

H.P. 414 - L.D. 581

AN ACT to Protect Railroad Rights-of-way.

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

23 MRSA §4207, sub-§3, as amended by PL 1979, c. 374, is repealed and the following enacted in its place:

3. Purchase or lease of certain railroad lines. The Department of Transportation may purchase or lease, under such terms and conditions as the department and the owners of the railroad may agree upon and hold for the State, railroad lines or any part thereof located in the State, owned or otherwise lawfully controlled by the railroad when, in the judg-