

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND TWELFTH LEGISLATURE

**SECOND REGULAR SESSION**  
January 8, 1986 to April 16, 1986

**SECOND SPECIAL SESSION**  
May 28, 1986 to May 30, 1986

AND AT THE

**THIRD SPECIAL SESSION**  
October 17, 1986

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

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

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

AS PASSED AT THE  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND TWELFTH LEGISLATURE  
1985

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1985-861986-87LEGISLATURE

Committee to Advise the Department of Human Services on AIDS

All Other	\$8,000
Provides funds for the travel expenses of the commission members, 4 full committee meetings and 4 subcommittee meetings.	

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

Effective April 16, 1986.

## CHAPTER 712

S.P. 921 - L.D. 2297

AN ACT to Obtain Information from the  
Consumer Advisory Board, the  
Commissioner of Mental Health and  
Mental Retardation and the Mental  
Health Advisory Council.

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

Sec. 1. 34-B MRSA §1209, sub-§7, as enacted by PL 1983, c. 459, §7, is amended to read:

7. Duties. The council shall act in an advisory capacity to the commissioner in the development of the state mental health plan and in the appointment of a Director of the Bureau of Mental Health. In addition, the council shall report annually to the joint standing committee of the Legislature having jurisdiction over human resources as part of a regu-

larly scheduled meeting early in each legislative session.

Sec. 2. 34-B MRSA §5003, sub-§2, ¶¶F and G, as enacted by PL 1983, c. 459, §7, are amended to read:

F. Strive toward having a sufficient number of personnel who are qualified and experienced to provide treatment which is beneficial to the mentally retarded clients; and

G. Encourage other departments to provide to mentally retarded persons those services which are required by law, and in particular:

(1) The commissioner shall work actively to ensure that mentally retarded clients, as provided for in Title 20-A, chapter 303, shall receive educational and training services beginning at age 5 years regardless of the degree of retardation, or accompanying disabilities or handicaps;

(2) The commissioner shall advise the Department of Human Services Mental Health and Mental Retardation about standards and policies pertaining to administration, staff, quality of care, quality of treatment, health and safety of clients, rights of clients, community relations and licensing procedures and other areas which affect mentally retarded persons residing in facilities licensed by the Department of Human Services; and

(3) The commissioner shall inform the joint standing committee of the Legislature having jurisdiction over health and institutional services human resources about areas where increased cooperation by other departments is necessary in order to improve the delivery of services to mentally retarded persons; and

Sec. 3. 34-B MRSA §5003, sub-§2, ¶H is enacted to read:

H. Report annually to the joint standing committee of the Legislature having jurisdiction over human resources on the activities of the Consumer Advisory Board established by the Pineland Consent Decree to oversee compliance with the terms of that decree. The commissioner or his designee

shall appear in person before the committee and shall provide the committee with the most recent annual audit of decree standards and the corrective action plans required by the audit. The members of the Consumer Advisory Board may attend the commissioner's presentation and provide an independent report of its activities to the committee.

Effective July 16, 1986.

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## CHAPTER 713

S.P. 902 - L.D. 2263

AN ACT Concerning Self-funded Pools among  
Public Agencies for Tort and Property  
Liability.

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

Sec. 1. 14 MRSA §8116, first ¶, as amended by PL 1981, c. 602, §1, is further amended to read:

The legislative or executive body or any department of the State or any political subdivision may procure insurance against liability for any claim against it or its employees under this chapter and including any activity not described in this chapter, but for which immunity is waived by another act. If the insurance provides protection in excess of the limit of liability imposed by section 8105, then the limits provided in the insurance policy shall replace the limit imposed by section 8105. If the insurance provides coverage in areas where the governmental entity is immune, the governmental entity shall be liable in those substantive areas but only to the limits of the insurance coverage. Reserve funds, excess insurance or reinsurance contracts maintained by a governmental entity, insurer providing liability insurance or a public self-funded pool to meet obligations imposed by this Act shall not increase the limits of liability imposed by section 8105.

Sec. 2. 14 MRSA §8116, 2nd ¶, as enacted by PL 1981, c. 602, §2, is amended to read:

A governmental entity or a public self-funded pool, which self-insures against the obligations and liabilities imposed by this Act, shall designate