

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

RESOLVES
OF THE
STATE OF MAINE
AS PASSED AT THE
FIRST REGULAR SESSION
of the
ONE HUNDRED AND TWELFTH LEGISLATURE
1985

CHAPTER 35

H.P. 936 - L.D. 1342

Resolve, Relating to the Development of an
Interdepartmental Plan to Identify
Needed Resources for a Statewide
Network of Out-of-home Placements and
Aftercare, Follow-up and Transitional
Services.

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

Whereas, a large number of students require placement outside of their homes in therapeutic foster homes, therapeutic group homes, residential treatment centers and temporarily in emergency shelters as a result of circumstances involving the community, family or school; and

Whereas, access to existing services for children and youth depend upon the child's classification, status and ability to fit within defined program criteria; and

Whereas, there are groups of children whose problems do not fit the existing defined responsibilities of any department of the State; and

Whereas, in some situations, the service is simply not available or available in very limited scope; and

Whereas, current resources are already straining to meet the current demand for services and the development of additional placement resources is expected to become a critical issue over the next 2 years; and

Whereas, transitional or aftercare services are intended to facilitate the return of a youngster to a less restrictive community-based placement from a more restrictive residential placement and any gains made by adolescents completing residential programs are difficult to maintain without transitional or aftercare services; and

Whereas, residential programs acknowledge that aftercare is the weakest part of their service delivery system; and

Whereas, the Commission to Examine the Availability, Quality and Delivery of Services Provided to Children with Special Needs has recommended that these needs be addressed; and

Whereas, the need for behavior stabilization or secure treatment services has been identified by every major report on children's services over the past 10 years, and most recently in the report of the Maine Commission to Examine the Availability, Quality and Delivery of Services Provided to Children with Special Needs; and

Whereas, the Department of Corrections, the Department of Educational and Cultural Services, Department of Human Services and the Department of Mental Health and Mental Retardation have already undertaken an extensive effort to study and develop behavior stabilization or secure treatment services for adolescents in need. An adolescent in need is defined as an adolescent who:

1. Currently manifests an emotional disorder identified by a mental health professional; and
2. Has persistently and repetitively exhibited behavior that is out of control, self destructive and violent; and

Whereas, complex issues have been identified in the areas of involuntary commitment, adolescents rights, due process, admissions restrictions and a precise definition of the target population to meet legal criteria; 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

Committee established. Resolved: That the Commissioner of Corrections, the Commissioner of Educational and Cultural Services, the Commissioner of Human Services and the Commissioner of Mental Health and Mental Retardation assign an interdepartmental committee to identify what is needed for a statewide network of out-of-home placements. The plan should include consideration of the following points:

1. Availability of funding to ensure accessibility to therapeutic foster home and therapeutic group home placements for all Maine youths who are in need of these services;

2. Development of one or 2 pilot projects for provision of transitional or aftercare services and funding identified for implementation;

3. Assurances that, for every child placed in a residential facility, an aftercare component is developed and funds made available for implementation;

4. Documentation of working assurances that linkages to services exist for all children;

5. Development of agreements or protocols to ensure aftercare, follow-up and transition from one service to another in a way that will continually address and monitor the needs of the child; and

6. Development of an evaluation component; and be it further

Adolescents in need. Resolved: That the interdepartmental committee continue the efforts of the departments to develop a plan to address the needs of the adolescent in need population; to research legal issues relating to involuntary commitment and the rights of adolescents to refuse treatment versus the rights of the community to be protected and to make recommendations for resolution of those issues in the context of developing this service; to explore alternative service and other out-of-home placement options, including a review of the existing system's capacity to serve the population under study as well as the feasibility of a new treatment resource; and to collect more precise data on the target population by continuing current efforts to develop and implement an interdepartmental tracking system so as to refine the definition of adolescent in need.

Reports. Resolved: That the Commissioner of Corrections, the Commissioner of Educational and Cultural Services, the Commissioner of Human Services and the Commissioner of Mental Health and Mental Retardation jointly submit a written report of its findings, together with any recommended legislation, to the Joint Standing Committee on Human Resources and the Joint Standing Committee on Judiciary no later than January 15, 1986; and be it further

Copies of resolve forwarded. Resolved: That suitable copies of this resolve be forwarded to the Joint Standing Committee on Human Resources, the Joint Standing Committee on Judiciary, the Commissioner of Human Services, the Commissioner of Mental Health and Mental Retardation, the Commissioner of Educational and Cultural Services and the Commissioner of Corrections.

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

Effective June 13, 1985.

CHAPTER 36

H.P. 582 - L.D. 852

Resolve, to Create a Special Commission
to Study the Utilization of Vacant
Buildings at Pineland Center.

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

Whereas, there presently exists a number of vacant buildings at Pineland Center; and

Whereas, it is the responsibility of the State to effectively use all of its existing resources; and

Whereas, existing public and private resources are not adequate to meet the needs and potential of the State's citizens; and

Whereas, the unused public buildings at Pineland Center may be a resource which could help meet those needs; and

Whereas, the members of the 112th Legislature find that a coordinated effort utilizing the resources and expertise of both the public and private sectors is necessary in addressing this problem to the benefit of all citizens of the State; 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

Commission established. Resolved: That a Special Commission to Study the Utilization of Vacant Buildings at Pineland Center be created. The commission shall consist of 13 members as follows: One member to the House of Representatives, appointed by the Speak-