

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

AS PUBLIC LAWS AND CONSTITUTIONAL RESOLUTIONS

at the

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 1988

AND

AS PRIVATE AND SPECIAL LAWS AND RESOLVES

at the

FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 1988

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

Twin City Printery
Lewiston, Maine
1989

RESOLVES

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

dangers of radon are often undetectable until after construction is completed;

7. Examination of the various questions of legal liability, especially the possible liabilities of construction contractors and sellers of real estate, including homeowners and real estate brokers and salesmen and the possible liabilities of persons offering real estate for rent;

8. Providing education and information to the public, including availability of tests, schedules of high-risk areas and information on corrective and remedial measures;

9. Establishment of parameters for mandatory state action in unusual or extremely high-risk radon-related situations, including radon gas or radon progeny presence in state institutions; and

10. Assistance provided by the state, including provision of radon and radon progeny testing kits to homeowners at cost, assistance in laboratory processing and interpretation of test result data and other forms of assistance; and be it further

Staff. Resolved: That the Bureau of Health shall provide such staff assistance as the commission requires and that the Attorney General shall provide such legal assistance as the commission requires; and be it further

Compensation. Resolved: That legislative members shall receive the legislative per diem and other members of the commission shall be compensated for actual expenses; and be it further

Report. Resolved: That the commission shall submit its report together with any recommendations requiring legislative action to the Joint Standing Committee on Energy and Natural Resources on or before January 15, 1988; and be it further

Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve. This appropriation may be carried over for one fiscal year.

1987-88

LEGISLATURE

Maine Study Commission on Radon

Personal Services	\$1,320
All Other	3,680

Total	<u>\$5,000</u>
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Provides funds for members' per diem, travel and related expenses.

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

Effective June 26, 1987.

CHAPTER 55

H.P. 1368 — L.D. 1873

Resolve, to Extend the Existence of the Office of Bicentennial of the United States Constitution and the Reporting Deadline of the Maine Commission to Commemorate the Bicentennial of the United States Constitution.

Resolve 1985, c. 85, 2nd paragraph after the emergency preamble, 2nd sentence. Resolved: That the Resolve of 1985, c. 85, 2nd paragraph after the emergency preamble, 2nd sentence is amended to read:

The office shall continue in existence through December 31, ~~1987~~ 1991.

; and be it further

Resolve 1985, c. 85, 2nd paragraph. Resolved: That the Resolve of 1985, c. 85, 2nd paragraph before the emergency clause is amended to read:

Report to Legislature. Resolved: That the commission, by January 30, ~~1988~~ 1992, shall report to the joint standing committee of the Legislature having jurisdiction over State Government state and local government with respect to its income of the office from all sources and detailed expenditures of the office during the life of the office; and be it further

; and be it further

Resolve 1985, c. 85, last paragraph. Resolved: That the Resolve of 1985, c. 85, last paragraph before the emergency clause, 2nd sentence is amended to read:

These funds shall not lapse on June 30, ~~1986~~ 1991, but shall carry forward until the purposes of the office have been achieved.

Effective September 29, 1987.

CHAPTER 56

S.P. 588 — L.D. 1742

Resolve, to Establish the Maine Commission to Review Overcrowding at the Augusta Mental Health Institute and the Bangor Mental Health Institute.

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

Whereas, the existing conditions at the Augusta Mental Health Institute and the Bangor Mental Health Institute pose a hazard to the health and safety of both patients and staff; 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 the Maine Commission to Review Overcrowding at the Augusta Mental Health Institute and the Bangor Mental Health Institute is established, consisting of 20 members, as follows: The Superintendent of the Augusta Mental Health Institute or a designee; the Superintendent of the Bangor Mental Health Institute or a designee; the Commissioner of Mental Health and Mental Retardation or a designee; the Director of the Bureau of Mental Health or a designee; 10 members appointed jointly by the President of the Senate and the Speaker of the House, to include: A representative of the Maine State Alliance for the Mentally Ill, a representative of the Maine Council of Community Mental Health Services, a representative of the Portland Coalition of the Psychiatrically Labelled, a representative of the Mental Health Advisory Council, a consumer of community mental health services, psychologist, a psychiatrist and 3 members of the public; 4 representatives, appointed by the Speaker of the House; and 2 Senators, appointed by the President of the Senate; and be it further

Reports. Resolved: That the commission shall submit a report with any accompanying legislation to the Legislature by December 1, 1987, detailing conditions and practices at these 2 mental health institutes and making recommendations directed at alleviating these conditions and detailing results and recommendations of the study of community mental health and support services; and be it further

Issues studied. Resolved: That the commission shall examine overcrowding at the Augusta Mental Health Institute and the Bangor Mental Health Institute, including: The adequacy of programming and treatment alternatives for residents; the adequacy of current facilities, including space and environmental requirements, staffing patterns and patient-staff ratios; the impact of overcrowding on institution staff; safety of patients and community; community treatment and support services vital to the ongoing care of the mentally ill; the existing availability and scope of these community services; the relationship between the adequacy of these services and the existing conditions at the Augusta Mental Health Institute and the Bangor Mental Health Institute; and other issues determined by the commission; and be it further

Meetings. Resolved: That the commission meet as necessary to study the issues through examination of data, consultation with staff and recognized experts and conduct public hearings; and be it further

Reports. Resolved: That the commission shall submit a report with any accompanying legislation to the Legislature in 2 parts. The first part shall be submitted on or before December 1, 1987, detailing conditions

and practices at these 2 mental health institutes and making recommendations directed at alleviating these conditions. The 2nd part shall be submitted on or before September 1, 1988, detailing results and recommendations of the study of community mental health and support services; and be it further

Staff assistance. Resolved: That the commission shall request from the Legislative Council sufficient staff assistance to carry out these duties and is authorized to hire outside consultants to conduct all or portions of the study if they so choose; and be it further

Reimbursement. Resolved: That the members of the commission who are Legislators shall receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, for days of attendance at commission meetings. All members of the commission shall receive expenses, as defined in the Maine Revised Statutes, Title 5, section 12002, upon application to the Executive Director of the Legislative Council for those expenses; and be it further

Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1987-88

LEGISLATURE

Maine Commission to Review Overcrowding
at the Augusta Mental Health Institute and
the Bangor Mental Health Institute

Personal Services
All Other

\$3,300
7,000

Total

\$10,300

Provides funds for the per diem, travel,
printing and miscellaneous expenses of the
commission. No funds are provided for con-
sulting services.

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

Effective June 26, 1987.

CHAPTER 57

S.P. 316 — L.D. 918

**Resolve, to Support Dioxin Research by the
Bureau of Health.**

Study required. Resolved: That in order to provide an objective, ongoing source of information to the State's sludge and ash landspreading programs, the Environmental Health Unit of the Bureau of Health in the Department of Human Services shall conduct a study of dioxin