

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

a representative of small woodlot owners, one of whom shall be a representative of a large nonindustrial ownership, one of whom shall be a forest landowner engaged in manufacturing of forest products, one of whom shall be a faculty member of the College of Forest Resources of the University of Maine with expertise in forest economics. The Commissioner of Conservation and the Director of the State Planning Office or their designees shall serve ex officio; and be it further

Staffing. Resolved: That the commission may request staff assistance from the Legislative Council. The Department of Finance, the Department of Conservation and the State Planning Office shall provide assistance as requested from time to time by the commission; and be it further

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

	1987-88
<u>LEGISLATURE</u>	
Commission on Forest Land Taxation	
Personal Services	\$2,640
All Other	\$6,400
Total	<u>\$9,040</u>
Provides funds for per diem for legislative members, travel and related expenses of the commission.	

Emergency clause. This resolve shall take effect when approved.'

Effective June 29, 1987.

CHAPTER 68

H.P. 1302 — L.D. 1781

Resolve, to Establish the Juvenile Corrections Planning Commission.

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 Department of Corrections is engaged in a comprehensive planning process for the future of correctional facilities and programs; and

Whereas, the needs of youth have yet to adequately address this planning process; and

Whereas, a Juvenile Corrections Planning Commission is needed to create a master plan for juveniles; and

Whereas, the Juvenile Corrections Planning Commission must begin work immediately to complete its assignment in time for the 114th Legislature; 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 Juvenile Corrections Planning Commission is established. The commission shall be comprised of 18 members who shall be appointed in the following manner: The Commissioner of Corrections or his designee; the Commissioner of Educational and Cultural Services or his designee; the Commissioner of Human Services or his designee; the Commissioner of Mental Health and Mental Retardation or his designee; one district attorney to be selected by the Commissioner of Public Safety; one employee of the Division of Probation and Parole to be designated by the Commissioner of Corrections; one sheriff who is a member of the Maine Sheriffs' Association, one police officer who is a member of the Maine Chiefs of Police Association, one Training School Counselor who is a member of the Association of Federal, State, County and Municipal Employees, one Maine Youth Center Unit Director who is a member of the Maine State Employees Association, one member of the Advocates for the Developmentally Disabled, one member of a nonprofit agency which contracts to provide community-based services with the Department of Corrections and one member from the Juvenile Justice Advisory Group, all to be appointed by the Governor; and 3 members of the House of Representatives, appointed by the Speaker of the House and 2 Senators, appointed by the President of the Senate, of which 4 Legislators shall be members of the Select Committee on Corrections and one Legislator shall be a member of the Joint Standing Committee on Appropriations and Financial Affairs; together with one District Court Judge and one Superior Court Judge, who shall act as nonvoting advisory members, both to be appointed by the Chief Justice of the Supreme Judicial Court. The members shall choose a chairman from among themselves at their first meeting. Legislators shall receive the legislative per diem and all other members shall receive expenses only; and be it further

Consultants. Resolved: That the Commissioner of Corrections shall contract with private consultants to develop a proposed plan for juvenile correction services, including an analysis of current services being provided by the State and local agencies; the relationship between institutional and community programs; the relationships among services being provided by the Department of Corrections, Department of Human Services, Department of Mental Health and Mental Retardation and Department of Educational and Cultural Services; projections of need for services during the next decade; appropriate policies, facilities and programs required to meet the need for services in the future; and steps to

achieve the planned system of juvenile correctional services; and be it further

Report. Resolved: That the commission shall receive the report from any consultants which the Department of Corrections hires, analyze any recommendations made and recommend a master plan for juvenile corrections. The master plan and any necessary implementing legislation shall be submitted as a report to the First Regular Session of the 114th Legislature for approval by March 1, 1989. Any necessary staffing shall be provided by the Department of Corrections; and be it further

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

	<u>1987-88</u>	<u>1988-89</u>
<u>LEGISLATURE</u>		
Juvenile Corrections Planning Commission		
Personal Services	\$ 1,650	\$ 1,650
All Other	4,500	8,300
Total	<u>\$ 6,150</u>	<u>\$ 9,950</u>

CORRECTIONS, DEPARTMENT OF

Administration		
All Other	\$43,900	
<p>These funds will provide money with which to hire consultants and fund the study and funds not spent shall carry forward until June 30, 1989, to be used for the same purpose.</p>		
TOTAL	<u>\$50,050</u>	<u>\$ 9,950</u>

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

Effective June 29, 1987.

CHAPTER 69

H.P. 598 — L.D. 809

Resolve, to Establish the Commission on Children in Need of Supervision and Treatment.

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

Whereas, there are substantial numbers of adolescents and young adults who need mental health and substance abuse treatment in order to become productive citizens but who refuse to seek or accept that treatment; and

Whereas, many of these young people become homeless individuals who add substantially to the law enforcement problems of Maine's communities as well as their social welfare caseloads; and

Whereas, many of these young people cause substantial disruption to their families, by appearing at home sporadically, causing family disputes, physically damaging the premises or occupants on occasion, refusing to obey any rules of behavior and adversely influencing younger siblings, all to the great distress of their parents who are unable to take control of the situation; and

Whereas, there have been discussions about restoring status offenses to the juvenile code, easing the standard for commitment of juveniles under the mental health laws, or building a behavior stabilization unit for initial treatment of this segment of the population, the State has taken no action to meet the needs of these young people; and

Whereas, continued inaction causes the State great expense in higher crime rates, lost wages and taxes and increased social service and rehabilitation services; and

Whereas, the State is currently paying very large sums of money for specialized secure treatment placements in facilities out-of-state and despite expressed concern about these costs, the inaction continues; and

Whereas, intervention with out-of-control young people at an earlier age would prevent the necessity of sending them to expensive out-of-state facilities later; 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; membership. Resolved: That there is established the Special Commission on Children in Need of Supervision and Treatment. The commission shall consist of 17 members. There shall be 7 legislative members as follows: Two Senators appointed by the President of the Senate and 5 members of the House of Representatives appointed by the Speaker of the House. Of the legislative members, there shall be at least 2 representatives from each of the following committees: The Joint Standing Committee on Appropriations and Financial Affairs, the Joint Standing Committee on Human Resources and the Joint Standing Committee on Judiciary.

The Commissioner of Corrections, or his designee; the Commissioner of Mental Health and Mental Retardation, or his designee; the Commissioner of Human Services, or his designee; the Commissioner of Educational and Cultural Services, or his designee; the Chairman of the Juvenile Justice Advisory Group, or his designee; the Executive Director of Advocates for the Developmentally Disabled, or his designee; and a community mental health