

# 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.

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Twin City Printery  
Lewiston, Maine  
1989

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**RESOLVES**

OF THE

**STATE OF MAINE**

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

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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.

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## 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

representative, a representative from the State's residential and treatment centers and 2 members of the public who are parents with direct experience with a child or children in need of supervision and treatment appointed by the Governor shall also be members. The appointments shall be made within 30 days of the effective date of this resolve. The appropriate appointing authorities shall notify the Legislative Council of the appointees' names; and be it further

**Chairman; meetings. Resolved:** That the Speaker of the House and the President of the Senate shall jointly appoint the chairman. The chairman shall call meetings, except that the commission's first meeting shall be convened by the chairman of the Legislative Council within 20 days of the notification that all appointments have been made. The commission shall:

1. Define the population of out-of-control youth in need of supervision and treatment;
2. Define the type of authority the State and parents should have over their children;
3. Define legal and administrative remedies to enforce state and parental authority;
4. Identify the administrative mechanisms necessary to implement the remedies and interventions;
5. Identify the full spectrum of services needed, including, but not limited to, behavior stabilization units, to impact upon these issues, including recommendations for additional services and necessary state appropriations, including, as necessary, modifications to the Medicaid program;
6. Incorporate, as a part of the research and analysis of the commission, the related studies and reports; and
7. Prepare an overall plan and approach, including supporting legislation, necessary to have the State meet its obligation to these out-of-control juveniles and young adults, their families and their communities; and be it further

**Assistance. Resolved:** That, if staff assistance is desired, assistance shall be requested from the Legislative Council; and be it further

**Compensation. 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 each day of attendance at commission meetings. All members of the commission, except employees of State Government, shall receive reimbursement for expenses upon application to the Executive Director of the Legislative Council; and be it further

**Findings; report. Resolved:** That the commission shall present its findings and legislation, as necessary, to the Second Regular Session of the 113th Legislature by March 1, 1988.

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

Effective June 29, 1987.

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## CHAPTER 70

H.P. 1155 — L.D. 1570

**Resolve, to Permit Reginald and Alice Huard to Sue the State for Compensation for Losses Claimed to have been Suffered as a Result of Claims of Child Abuse Instituted by the State.**

**Reginald and Alice Huard; authorized to sue the State. Resolved:** That, notwithstanding any statute to the contrary, Reginald and Alice Huard, who claim to have suffered losses as a result of claims of child abuse, are authorized to bring suit against the State, but are not authorized to bring suit against any state employee as an individual.

This action shall be brought within one year from the passage of this resolve in the Kennebec Superior Court. Liability and damages shall be determined according to state law, just as in litigation between individuals, except no punitive damages are authorized. The authorization contained in this resolve shall not constitute a waiver of the State's sovereign immunity for the purpose of the United States Civil Rights Act, United States Code, Title 42, Section 1983.

Any judgment that may be recovered in this civil action shall be payable from the State Treasury on final process issued by the Superior Court or, if applicable, the Supreme Judicial Court and costs may be taxed for Reginald and Alice Huard if they recover in the action. Recovery shall not exceed \$75,000, including costs. Hearing shall be before a Justice of the Superior Court, with or without jury. The action shall be governed by the Maine Rules of Civil Procedure.

Effective September 29, 1987.

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## CHAPTER 71

S.P. 640 — L.D. 1866

**Resolve, to Establish the Weatherization Services Study Committee.**

**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 over 40,000 low-income households on the waiting list for weatherization services in the State; and