

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

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.

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.

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

Whereas, serious operational problems exist in the Low-income Weatherization Program as evidenced by the fact that approximately \$100,000 in available federal funds remained unspent for the program year ended March 31, 1987, and no services are currently being provided in several major service areas; and

Whereas, the effect of new regulations recently proposed by the Division of Community Services are unknown; 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

Weatherization Services Study Committee. Resolved: That there is established the Weatherization Services Study Committee.

1. Appointment. The Speaker of the House and the President of the Senate shall appoint a study committee to conduct a comprehensive evaluation of the Low-income Weatherization Program administered by the Division of Community Services.

2. Scope of study; report. The study will encompass program regulations, program operations, systems for program monitoring and oversight and any other aspects of the program deemed appropriate by the committee.

The committee shall submit a report to the Joint Standing Committee on Audit and Program Review and the Division of Community Services, by October 31, 1987. The report shall contain the committee's recommendations for ensuring that all available resources are effectively and efficiently utilized to provide weatherization services, that equitable levels of service are provided throughout the State and that consistent uniform standards are used to monitor quality of services.

3. Membership. The study committee shall consist of the following 9 members: Two Senators to be appointed by the President of the Senate; 3 members of the House of Representatives to be appointed by the Speaker of the House; the Director of Community Services or his designee; one member of the Maine Community Action Association, one member of the Community Services Advisory Board and one public member to be appointed jointly by the President of the Senate and the Speaker of the House.

A chairman shall be elected by a majority vote of the committee.

4. Meetings. The committee shall meet at the call of the director or the Division of Community Services. Members shall be reimbursed for reasonable expenses, to include expenses for travel, meals, lodging and child care.

5. Compensation. 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.

6. Technical assistance; staff support. The Division of Community Services shall provide reasonable technical assistance and staff support to assist the study committee, using funds from the weatherization training and technical assistance grant provided by the United States Department of Energy; and be it further

Appropriation. Resolved: That the sum of \$5,375 is appropriated from the General Fund to carry out the purpose of this resolve. If United States Department of Energy Weatherization Training and Technical Assistance funds are available for this study, the Division of Community Services shall use these funds to reimburse the General Fund.

1987-88

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Weatherization Services Study Committee

Personal Services	\$1,375
All Other	4,000

Total	<u>\$5,375</u>
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Provides funds for per diem and expenses for 5 meetings of the committee and for its reports.

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

Effective June 30, 1987.

CHAPTER 72

S.P. 324 — L.D. 952

Resolve, Creating the Commission to Study the Use of Involuntary Services for Substance Abusers.

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

Whereas, many concerns about the involuntary commitment of substance abusers have been raised; and

Whereas, persons who could benefit from the use of involuntary services are not being committed because of the current law; and

Whereas, the definition of incapacitated alcoholic persons presents some legal problems; and