

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

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.

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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

Whereas, the present treatment sphere may have to be expanded; and

Whereas, the State's legal responsibilities may increase if treatment is mandated; and

Whereas, proper procedure as to obtaining treatment orders is unclear; and

Whereas, the individual's rights, as well as society's rights, must be addressed; and

Whereas, both emergency and long-term treatment orders are unclear; 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 created. Resolved: That there is established the Commission to Study the Use of Involuntary Services for Substance Abusers, consisting of 6 members, 3 members to be appointed by the President of the Senate and 3 members to be appointed by the Speaker of the House within 30 days of the effective date. The President of the Senate and the Speaker of the House shall notify the Executive Director of the Legislative Council as soon as the appointments are made; and be it further

Duties. Resolved: That the commission shall examine and propose recommendations to improve the laws concerning the involuntary commitment of substance abusers to treatment programs, including current practices under the laws; the enforcement of current laws; whether the laws apply to the full range of persons intended to be served by the laws; and whether clients' rights are sufficiently recognized and protected; and be it further

Meetings. Resolved: That the commission shall meet as necessary to study the issues through examination of data from Maine and other states, to consult with experts and persons involved with the programs and to conduct public hearings if necessary; and be it further

Report. Resolved: That the commission shall prepare a report to be submitted, together with any accompanying legislation, no later than January 31, 1988, to the Second Regular Session of the 113th Legislature; and be it further

Assistance. Resolved: That if staff assistance is desired, assistance shall be requested from the Legislative Council. The Department of Human Services shall provide the commission with staff assistance and pertinent existing information to carry out these duties; and be it further

Compensation. Resolved: That the members of the

commission shall receive the legislative per diem, as defined in the Maine Revised Statutes, Title 5, section 12002, for days of attendance at commission meetings. If the commission meets on a day when the Legislature is in session, the members of the commission shall receive only one legislative per diem on that day. 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

Convening of commission; selection of chairman. Resolved: When the appointment of all members of the commission is completed, the Chairman of the Legislative Council shall call the commission together for its first meeting no later than September 7, 1987. The commission shall select a chairman from among the commission members.

Allocation. The following funds are allocated from the Alcohol Premium Fund to carry out the purposes of this resolve.

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Commission to Study the Use
of Involuntary Services for
Substance Abusers

Personal Services	\$1,980
All Other	4,300

Total	\$6,280
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Emergency clause. In view of the emergency cited in the preamble, this resolve shall take effect when approved.

Effective June 30, 1987.