

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
**FIRST SPECIAL SESSION**

August 21, 1989 to August 22, 1989

and

**SECOND REGULAR SESSION**

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
July 14, 1990

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

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J.S. McCarthy Company  
Augusta, Maine  
1990

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**January 3, 1990 to April 14, 1990**

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Be it enacted by the People of the State of Maine as follows:

**Sec. 1.** 17-A MRSA §1206, sub-§7-B is enacted to read:

**7-B.** Upon revocation of probation in accordance with subsection 5, 6 or 7, the court may act in accordance with section 1267.

**Sec. 2.** 17-A MRSA §1263, sub-§1, ¶B, as enacted by PL 1985, c. 821, §15, is amended to read:

B. ~~His~~ The conviction is for a Class A, Class B or Class C crime, excluding the following:

- (1) Sections 755, 756 and 757; and
- (2) Any sentence controlled by section 1252, subsections 4 and 5; ~~and~~ , unless the defendant is sentenced to a term of imprisonment with at least 3 years unsuspended, with the last year of the unsuspended portion to be served with intensive supervision, provided that the conditions of subsection 2 are also met. The defendant may be sentenced to imprisonment with intensive supervision under this subparagraph regardless of whether the defendant petitions the court or otherwise agrees to imprisonment with intensive supervision;
- (3) ~~A conviction for violating a law which expressly provides that the fine and imprisonment penalties it authorizes may not be suspended;~~

**Sec. 3.** 17-A MRSA §1263, sub-§2 is enacted to read:

**2.** A person convicted of violating a law that expressly provides that the fine or imprisonment penalty it authorizes may not be suspended may not be sentenced to imprisonment with intensive supervision pursuant to section 1262, unless the penalty that may not be suspended is also imposed. If the penalty that may not be suspended is one of imprisonment, then that penalty must be served in institutional confinement as part of and at the beginning of the initial unsuspended term with the intensive supervision applying to the final portion of the initial unsuspended term.

**Sec. 4.** 17-A MRSA §1267 is enacted to read:

**§1267. Intensive supervision upon revocation of probation**

**1.** Upon revocation of probation pursuant to section 1206 and if recommended by the Department of Corrections, the court may vacate, in whole or in part, the suspension of execution as to the imprisonment specified when probation was granted and may order that part or

all of the imprisonment be served with intensive supervision provided that there remains at the time of revocation at least 6 months of imprisonment suspended.

**2.** If the court requires that the imprisonment be served with intensive supervision, the court shall specify how much of the imprisonment is to be served with intensive supervision, with that portion ranging from 6 to 18 months. Any portion of the imprisonment not to be served with intensive supervision must be served with institutional confinement prior to the intensive supervision.

**3.** Imprisonment with intensive supervision may be ordered under this section regardless of whether there remains any portion of the sentence for which suspension of execution is not vacated upon the revocation of probation. Any portion for which suspension of execution is not vacated is governed by section 1206, subsection 7-A.

**4.** The court may order a person to serve a term of imprisonment with intensive supervision under this section regardless of whether the person petitions the court or otherwise agrees to imprisonment with intensive supervision.

**5.** Except to the extent that they are inconsistent with this section, the other sections in this chapter apply to persons ordered to serve imprisonment with intensive supervision under this section as if those persons had been sentenced to a term of imprisonment with intensive supervision under those sections.

See title page for effective date.

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## CHAPTER 729

S.P. 826 - L.D. 2134

### An Act to Change the Name of the Committee for the Interdepartmental Coordination of Services to Children and Families

Be it enacted by the People of the State of Maine as follows:

**34-B MRSA §1214**, as repealed and replaced by PL 1989, c. 502, Pt. B, §44, is amended to read:

**§1214. Interdepartmental Council**

**1. Establishment.** The ~~Committee for the Interdepartmental Coordination of Services to Children and Families~~ Council is established.

**2. Purpose.** It is the intent of the Legislature to encourage the coordination of policies and programs for Maine children and families.

**3. Membership.** The ~~committee~~ council shall be composed of 4 5 members: The Commissioner of Corrections; Commissioner of Educational and Cultural

Services; Commissioner of Human Services; ~~and~~ Commissioner of Mental Health and Mental Retardation; and Director of the Division of Community Services.

**4. Goals of the council.** The goals of the ~~committee~~ council shall be:

A. To encourage a statewide system of coordinated services, which are responsive to the current needs of children and families and which are delivered by a partnership of public, private and nonprofit state level and community based agencies, and to promote access to services by all children and their families who are in need of these services;

B. To evaluate on a continuing basis the allocation of resources to ensure the availability of quality services delivered in a coordinated and efficient manner that is consistent with the needs of children and families; and

C. To continue the development of a comprehensive and coordinated approach to initiation and revision of policy affecting services to children and families.

**5. Meetings.** The ~~committee~~ council shall meet on a regular basis.

**6. Chair.** The ~~committee~~ council shall select a chair from among ~~the 4 commissioners~~ its members and the chair shall serve for a term established by the ~~committee~~ council.

**7. Subcommittees.** The ~~committee~~ council may appoint subcommittees to carry out its work. Subcommittee membership may include representatives of public and private agencies which serve youth and families and other persons with special knowledge of, responsibility for or interest in an area related to the goals of the ~~committee~~ council.

**8. Report.** The ~~committee~~ council shall report annually to the Legislature on its progress in meeting the goals cited in subsection 4 and its proposals for implementing these same goals in the forthcoming year.

**9. Administration.** The costs associated with the ~~committee~~ council shall be shared among the members of the ~~committee~~ council. Nothing in this section may be construed to prohibit a member department or division from assigning its employees to serve as staff to the ~~committee~~ council. The Department of Mental Health and Mental Retardation shall serve as fiscal agent for the ~~committee~~ council.

**10. Authorization to accept funds.** The Department of Mental Health and Mental Retardation may accept, on behalf of the ~~committee~~ council, funds from the Federal Government, from any political subdivision of the State or from any individual, foundation or corpo-

ration and may expend these funds for purposes which are consistent with this section.

See title page for effective date.

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## CHAPTER 730

S.P. 833 - L.D. 2141

### An Act to Amend Spinal Screening Laws

**Be it enacted by the People of the State of Maine as follows:**

**20-A MRSA §6452, sub-§2, ¶A**, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

A. The school board of school administrative units shall require that students in the public schools be screened to determine if any student has a postural defect. The screening shall be performed by personnel who are approved by the Commissioner of Human Services for this purpose. Screening for postural defects shall be performed ~~at least once annually in grades 5 to 8~~ as specified in the rules promulgated by the Department of Human Services.

See title page for effective date.

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## CHAPTER 731

H.P. 1609 - L.D. 2225

### An Act Concerning Investigation of Allegations by the Office of Advocacy

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 34-B MRSA §1205, sub-§1**, as repealed and replaced by PL 1989, c. 7, Pt. N, §3, is amended to read:

**1. Establishment.** The Office of Advocacy is established within the department solely to investigate the claims and grievances of clients of the department, to investigate with the Department of Human Services, as appropriate, all allegations of adult and child abuse in state institutions and to advocate on behalf of clients for compliance by any institution, other facility or agency administered, licensed or funded by the department with all laws, administrative rules and institutional and other policies relating to the rights and dignity of clients.

**Sec. 2. 34-B MRSA §1205, sub-§3, ¶B**, as repealed and replaced by PL 1989, c. 7, Pt. N, §3, is amended to read:

B. Intercede on behalf of these clients with officials of the institutions, facilities and agencies administered, licensed or funded by the department,