

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

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J.S. McCarthy Company
Augusta, Maine
1990

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

G. One representative of a local social service agency; and

H. Two representatives of the general public.

3. Chair. The commissioner shall designate the chair of each board.

4. Responsibilities. Each board shall:

A. Advise the commissioner in the development of center policy to foster positive relations with the community;

B. Assist the commissioner in the development and evaluation of admission criteria for the center;

C. Assist in locating and developing employment opportunities for residents;

D. Act as a liaison between the department and the community;

E. Meet as often as necessary at the discretion of the chair; and

F. Adopt rules of procedure necessary to carry out its duties.

§3954. Residents generally

1. Evaluation. Before being accepted for residence in each center, prospective residents must be determined to be low risks, in accordance with admission criteria developed with the advice of the board and approved by the commissioner.

2. Residence. All residents at a center are under the control of the department in accordance with the rules of the department, and are subject to any additional conditions of probation which may have been set at the time of the resident's sentencing. All residents shall attend work and other community activities as scheduled and the department shall subject residents to drug and alcohol testing, as appropriate, which may be on a random basis.

3. Employment and employment training. All residents must be employed full time or must participate in a full-time equivalent combination of employment, employment training and employment placement activities pursuant to employment policies developed in consultation with the board and approved by the commissioner.

4. Community service. To the greatest extent practicable, all residents shall engage in community service. The minimum amount of community service required and the definition of community service must be established with the advice of the board and the approval of the commissioner.

5. Rehabilitation. To the greatest extent practicable, residents shall participate in existing community education, life skills and other rehabilitation programs. Programs must be provided at the center for those residents who are unable to participate in programs located in the community.

6. Funds. No person may be admitted to a center unless the person consents to surrender all funds received from employment and other sources to the department for disbursement. The department shall adopt rules for the disbursement of the funds. The rules must include provisions for the payment of fines, court fees and restitution to the resident's victim or victims when appropriate, contributions toward the resident's cost of residency, contributions toward the cost of court-appointed counsel, contributions to the support of the resident's dependents, and any other financial obligations the resident may have. The rules must also include provisions for personal expense funds that the resident may use during residency, and personal savings to be accumulated until discharge. All resident funds received by the department must be placed in a specific center account and any interest that accrues may be used to pay account service charges or to provide center programs for residents.

7. Unauthorized leave. Any resident who leaves a center without authorization or fails to appear for or leaves any activity beyond the grounds of a center without authorization, commits escape under Title 17-A, section 755.

§3955. Employees

Employees of each center have the same power as sheriffs in their respective counties to search for and apprehend escapees from the center, when authorized to do so.

Sec. 5. Contingent upon ratification of bond issue. This Act does not become effective unless and until the people of the State have ratified the issuance of bonds at the general election in November 1990 in the amount of \$20,250,000 for correctional facilities.

Effective as indicated.

CHAPTER 899

H.P. 1448 - L.D. 2017

An Act to Establish a Statewide System of School-to-community Transition Coordination Services for Handicapped Youth

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

Whereas, Public Law 1985, chapter 768 required a report to the Legislature containing recommendations

for a statewide system of transition services for handicapped youth by December 15, 1988; and

Whereas, the existing system of transition services is in jeopardy and requires a clear statutory authorization and funding; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §12004-I, sub-§10-A is enacted to read:

| | | | |
|------------------------------|--|--------------------------|----------------------------|
| <u>10-A. Edu- cation</u> | <u>Interdepart- mental Commit- tee on Trans- ition</u> | <u>Expenses Only</u> | <u>20-A MRSA §7803</u> |
|------------------------------|--|--------------------------|----------------------------|

Sec. 2. 20-A MRSA §7801, as enacted by PL 1985, c. 768, §1, is amended to read:

§7801. Purpose

It is the purpose of this chapter to ~~stimulate through the activities of pilot projects a~~ implement service planning and coordination for youth with handicaps, 14 years of age or older and under 26 years of age, who are in transition from school to the community. Local projects have been established to provide more effective and efficient statewide delivery of services to handicapped youths in transition from school to the community by:

1. Coordination. Coordinating existing programs presently provided for these youths by the Department of Human Services, the Department of Mental Health and Mental Retardation, the Department of Educational and Cultural Services, ~~the Department of Labor, the Department of Corrections~~ and other public and private agencies;

2. Planning and delivery. ~~Delivering~~ Planning and delivering services only to meet identified unmet needs; and

3. Future recommendations. Using results from the operation of these ~~pilot~~ projects to determine the best direction for future recommendations to serve this population.

Sec. 3. 20-A MRSA §7802, sub-§3, as enacted by PL 1985, c. 768, §1, is amended to read:

3. Services. "Services" means those activities undertaken to ~~screen, evaluate, identify, plan and~~ provide special education, habilitation, rehabilitation, vocational and related services to handicapped persons in transition

from school to community. These services may include, but are not limited to:

A. Identification of all handicapped youth in transition in schools and in the community;

B. Referral to appropriate community services;

C. Technical assistance for student education and transition plan development and implementation;

D. Program development and evaluation;

E. Case management and student tracking;

F. Family training, counseling and support;

G. Employer training, counseling and support;

H. Facilitation of interagency communication and collaboration; and

I. Planning and conducting skill development training.

Sec. 4. 20-A MRSA §7802, sub-§§5 to 9 are enacted to read:

5. Interdepartmental council. "Interdepartmental council" means the Committee for the Interdepartmental Coordination of Services to Children and Families as established by Title 34-B, section 1214.

6. Commissioners. "Commissioners" means the Commissioner of Human Services, the Commissioner of Mental Health and Mental Retardation, the Commissioner of Educational and Cultural Services, the Commissioner of Labor and the Commissioner of Corrections.

7. Committee. "Committee" means the Interdepartmental Committee on Transition as established in section 7803.

8. Area coordinating committee. "Area coordinating committee" means a committee authorized in section 7804, subsection 4.

9. Site. "Site" means each of the area coordination programs.

Sec. 5. 20-A MRSA §7803, as enacted by PL 1985, c. 768, §1, is amended to read:

§7803. Interdepartmental Committee on Transition

An ~~Interdepartmental Coordinating Committee for Handicapped Youth in~~ on Transition pursuant to Title 5, chapter 379, representing the Department of Educational and Cultural Services, the Department of Human Services, the Department of Mental Health and Mental Retardation, ~~the Department of Labor, the Department of Corrections, at least 2 of the local coor-~~

dination sites and the public, shall be appointed by the 3 commissioners to work with the ~~department~~ interdepartmental council to establish guidelines, including continuation applications, to monitor grants and to evaluate the performance of area coordination programs developed through the grants.

The members of this committee shall be compensated in accordance with Title 5, chapter 379.

Sec. 6. 20-A MRSA §7804, sub-§1, as enacted by PL 1985, c. 768, §1, is repealed.

Sec. 7. 20-A MRSA §7804, sub-§1-A is enacted to read:

1-A. Grants. The committee, as established in section 7803, shall provide funds for the maintenance of existing sites and shall provide funds for new or expanded sites, as funds are available. These funds must support the effective delivery of services to handicapped youth in transition by coordinating existing programs, when possible, and establishing a mechanism for ongoing coordination of programs for handicapped youths in transition at a local or regional level, including local educational agencies, community mental health centers, regional mental retardation services, regional rehabilitation programs and other public and private agencies as appropriate. Each project must establish a method to identify unserved and underserved handicapped youths in transition and develop services for these youths.

Sec. 8. 20-A MRSA §7804, sub-§§2, 4 and 5, as enacted by PL 1985, c. 768, §1, are amended to read:

2. Rules. The committee shall promulgate by rules policy and procedures that assure participation at the local level by agencies currently serving handicapped youths in transition from school to community. They shall require that existing resources for providing services to handicapped youths in transition be exhausted prior to using grants funds to provide services.

4. Area coordinating committee. ~~A local~~ An area coordinating committee, organized prior to application for receipt of a grant, shall be responsible for governance of each local program site. Membership shall include representatives of transitional services programs in the region to be served by the grant; representatives of the appropriate regional offices of the Department of Human Services and, the Department of Mental Health and Mental Retardation, the Department of Corrections and the Department of Labor; representatives of participating school administrative units; representatives of adult service agencies, including rehabilitation facilities; parents of handicapped children with handicapping conditions; employers; and other community members as appropriate. Terms of membership and methods of appointment or election shall be determined by local area coordinating committee bylaws, subject to approval of the committee. Responsibilities of local area coordinating committees shall be detailed in the rules promulgated by the committee.

5. Evaluation. Continuous evaluation of the ~~pilot projects~~ project sites shall be required and shall be an integral part of each ~~pilot~~ project. The committee shall ~~determine the expected outcome goals of the pilot projects and shall~~ cause to be developed an evaluation design to determine the success of the ~~pilot projects~~ and shall ensure its implementation.

~~The 3 commissioners shall present to the Legislature an interim report prior to December 15, 1987. This report shall provide an assessment of the planning efforts of the State Interdepartmental Coordinating Committee for Handicapped Youths in Transition. In addition, this report shall contain any recommendations, including legislation for the continuation or expansion of the pilot projects.~~

~~The 3 commissioners shall present to the Legislature a final report prior to December 15, 1988. This report shall provide an evaluation summary of the pilot projects and recommendations, including legislation, necessary to carry out a statewide service delivery system with an implementation schedule to begin July 1, 1989.~~

Sec. 9. 20 MRSA §7804, sub-§6 is enacted to read:

6. Report. The interdepartmental council shall present to the Legislature an annual report on the activities of the committee. This report shall provide an evaluation summary of the projects and recommendations, including legislation, necessary to support and maintain a statewide transitional services planning and delivery system.

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

Effective April 24, 1990.

CHAPTER 900

H.P. 1438 - L.D. 2008

An Act to Establish Coastal Watershed Districts

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

Sec. 1. 38 MRSA c. 23-A is enacted to read:

CHAPTER 23-A

COASTAL WATERSHED DISTRICTS

§2021. Coastal watershed districts

1. Authorization; purpose. Coastal watershed districts may be created pursuant to this chapter to protect, restore and maintain water quality and aquatic