MAINE STATE LEGISLATURE

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LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FOURTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

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

J.S. McCarthy Company
Augusta, Maine
1989

RESOLVES

OF THE

STATE OF MAINE

AS PASSED AT THE

FIRST REGULAR SESSION

of the

ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

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

Effective July 10, 1989.

CHAPTER 56

H.P. 54 - L.D. 75

Resolve, Authorizing Lorraine Gray to Sue the State for Compensation for Losses Allegedly Suffered as a Result of Claims of Child Abuse Instituted by the State

Lorraine Gray; authorized to sue the State. Resolved: That, notwithstanding any statute or common law to the contrary, Lorraine Gray, who claims to have suffered damages as a result of erroneous claims of child abuse by the Department of Human Services and the removal of her child from her home by the Department of Human Services, is authorized to bring suit against the State, but not against individual past and present employees of the Department of Human Services.

This action shall be brought within one year from the passage of this resolve in the York County Superior Court. Liability and damages including punitive damages shall be determined according to state law, as in litigation between individuals.

Any judgment, costs and interest 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. 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.

See title page for effective date.

CHAPTER 57

H.P. 266 - L.D. 378

Resolve, Granting Compensation to Oscar and Wandalyn Rae Thompson for Damage to Their Car Caused by a Foster Child in Their Care

Sec. 1. Oscar and Wandalyn Rae Thompson; reimbursed. Resolved: That there is appropriated from the General Fund the sum of $1,999 to be paid to Oscar and Wandalyn Rae Thompson of Phillips as a full and final settlement of their claim against the State for damage to their car by a foster child in their care; and be it further

Sec. 2. Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1989-90

FINANCE, DEPARTMENT OF

Miscellaneous Acts and Resolves - Finance

All Other	$1,999

Provides funds to compensate Oscar and Wandalyn Rae Thompson for damages to their car.

See title page for effective date.

CHAPTER 58

H.P. 550 - L.D. 747

Resolve, Establishing a Commission to Study the Level of Services for Maine's Elderly Citizens

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

Whereas, it is necessary for this study to begin during the summer in order to be completed; 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

Sec. 1. Commission created; purpose of commission. Resolved: That there is created the Commission to Study the Level of Services for Maine's Elderly Citizens. The commission shall analyze data concerning the following aspects of the care of Maine's elderly citizens:

1. The level of services provided by and participation in Medicaid, including the effects of federal SOBRA legislation and options for redesign of the State's Medicaid programs to stimulate and complement the development of private long-term care insurance;

2. The need for improved individualized treatment planning procedures for long-term care clients which can be used to identify the gaps between client needs and available services and which are based upon principles of maximum feasible restoration of functional capacity in the least restrictive setting;

3. The financing of long-term care needs and alternate delivery systems; methods to develop more innovative financing strategies such as capitation and prepayment for services for elderly persons, including the benefits and risks of these alternative financial arrangements; and the possible effects of restructuring the financing and delivery systems on the current Medicare and Medicaid shortfalls;

4. Mental health services for older people; and