

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1989

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**RESOLVES**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

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

**1989**

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

1989-90

Effective July 10, 1989.

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**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.

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**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.

**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.

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**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

5. Participation in the food stamp program, the Supplemental Security Income program, transportation programs for the elderly, the household tax and rent refund program and the elderly low-cost drug program; and be it further

**Sec. 2. Membership of commission; appointment. Resolved:** That the commission shall consist of 15 members appointed within 30 days of the effective date of this resolve as follows:

1. One member of the Senate appointed by the President of the Senate and 2 members of the House of Representatives appointed by the Speaker of the House of Representatives;

2. One representative appointed jointly by the President of the Senate and the Speaker of the House of Representatives from a list of 3 persons submitted by each of the following: the Maine Committee on Aging, the Maine Hospital Association, the Maine Health Care Association, the Home Care Alliance and the American Association of Retired Persons;

3. Two representatives of companies providing health insurance in the State appointed jointly by the President of the Senate and the Speaker of the House of Representatives;

4. Three members of the general public from various geographic areas of the State, who are at least 60 years old, to be appointed jointly by the President of the Senate and the Speaker of the House of Representatives;

5. One representative of the Department of Human Services, appointed by the commissioner; and

6. One representative of area agencies on aging to be appointed jointly by the President of the Senate and the Speaker of the House of Representatives; and be it further

**Sec. 3. Selection of chair; convening of commission. Resolved:** That the President of the Senate and the Speaker of the House of Representatives shall jointly appoint a chair from among the legislative members of the commission. The Executive Director of the Legislative Council shall convene the first meeting within 30 days of appointment of all the members; and be it further

**Sec. 4. Report. Resolved:** That the commission shall complete its work by December 1, 1990, and present its findings, together with any recommended legislation, to the First Regular Session of the 115th Legislature by December 5, 1990; and be it further

**Sec. 5. Assistance. Resolved:** That the commission shall request staff assistance from the Legislative Council, except that the Legislative Council shall not provide staff assistance during the Second Regular Session of the 114th Legislature; and be it further

**Sec. 6. Compensation. Resolved:** That the members of the Legislature shall receive the per diem and expenses as provided in the Maine Revised Statutes, Title 3,

section 2 and that all members of the commission who are not state employees shall receive reimbursement for expenses upon submission to the Executive Director of the Legislative Council; and be it further

**Sec. 7. Appropriation. Resolved:** That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1989-90

## LEGISLATURE

**Commission to Study the Level of Services for Maine's Elderly Citizens**

Personal Services	\$2,475
All Other	12,200

Provides funds for the per diem, meeting and related expenses of the Commission to Study the Level of Services for Maine's Elderly Citizens. These funds shall carry forward to June 30, 1991.

## LEGISLATURE

\$14,675

## TOTAL

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

Effective July 11, 1989.

## CHAPTER 59

## H.P. 653 - L.D. 887

**Resolve, to Create the Commission to Study Public Financing of State Elections**

**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

**Commission established; study. Resolved:** That there is established the Commission to Study Public Financing of State Elections. The commission shall study the existing method of election financing and explore alternative mechanisms for the public financing of any primary, general or special election for state or county offices; and be it further