

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.

J.S. McCarthy Company
Augusta, Maine
1990

RESOLVES
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

the House of Representatives; 2 members representing the general public, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives; and 2 members representing environmental interests, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives; the Commissioner of Transportation or the commissioner's designee; and a representative of an electric utility jointly appointed by the President of the Senate and the Speaker of the House of Representatives; and be it further

Sec. 3. Appointments; meetings. Resolved: That all appointments be made no later than 30 days following the effective date of this resolve. The Executive Director of the Legislative Council shall be notified by all appointing authorities when the selections have been made. The Chair of the Legislative Council shall call the first meeting of the commission by July 1, 1990. The commission shall select a Legislator from its membership as chair; and be it further

Sec. 4. Duties. Resolved: That the commission shall meet 5 times to study the current use of herbicides in Maine and the policy implications of that use. The commission shall review the information on the effects of herbicide use on forests, natural habitats, water quality and other environmental impacts and the implications of the methods of applying those herbicides. In addition, the commission shall hold 2 public hearings throughout the State to hear public comments on the use of herbicides in Maine's forests; and be it further

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

Sec. 6. Staff assistance. Resolved: That the commission shall request from the Legislative Council sufficient staff assistance to carry out these duties. The commission may also call upon the assistance of the Department of Conservation and the Pesticides Control Board; and be it further

Sec. 7. Reimbursement. Resolved: That the members of the commission who are Legislators are entitled to receive the legislative per diem and reimbursement for expenses, as defined in the Maine Revised Statutes, Title 3, section 2, for days of attendance at commission meetings, upon application to the Executive Director of the Legislative Council for those expenses.

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

Effective April 24, 1990.

CHAPTER 99

H.P. 1752 - L.D. 2415

Resolve, to Establish a Model Coordinated Response System for Child Abuse Referrals in Penobscot and Piscataquis Counties

Sec. 1. Coordinated Response System established. Resolved: That the Coordinated Response System for child abuse referrals is established as a model project in the Department of Human Services' Region IV, Penobscot and Piscataquis counties. The Coordinated Response System consists of the Child Abuse Assessment System; services for initial intervention, treatment and support of children and families; training; an advisory committee; an operational planning committee; and an evaluation component; and be it further

Sec. 2. The Child Abuse Assessment System. Resolved: That the Child Abuse Assessment System consists of 3 coordinated teams: the initial assessment team, the diagnostic team and the dispositional team.

1. Within the limits of funds available for this purpose, the initial assessment team shall consist of case-workers and law enforcement personnel, working in partnership, to assess referrals of alleged crimes against children.

2. Within the limits of funds available for this purpose, the diagnostic team shall, as necessary, provide medical, psychological, social or developmental data to augment the initial assessment of the referral.

3. Within the limits of funds available for this purpose, the dispositional team, composed of experienced professionals from relevant disciplines, shall analyze the data presented to it by the initial assessment team or diagnostic team or both, work with the Department of Human Services and the District Attorney for Prosecutorial District Number 5 or the district attorney's designee to decide the most appropriate disposition of the case to protect the child from harm and support the family, and determine the need to pursue prosecution; and be it further

Sec. 3. Initial intervention, treatment and support services. Resolved: That within the limits of funds allocated by this resolve, the Coordinated Response System includes, but is not limited to, such initial intervention, treatment and support services as:

1. Crisis mental health services consisting of mental health assessments and crisis intervention for a family member in immediate need and victim trauma assessment;

2. Case planning mediation in which families negotiate the components of the family's case plan with the caseworker; and

3. A family shelter option to provide a safe environment for the child and nonoffending parent and an opportunity for the nonoffending parent to learn parenting and life skills; and be it further

Sec. 4. Training. Resolved: That specific child abuse investigative training must be provided to the law enforcement personnel and caseworkers of the initial assessment team to ensure the most comprehensive assessment of referrals possible; and be it further

Sec. 5. Advisory committee. Resolved: That an advisory committee, limited to no more than 12 members, is created consisting of the following members:

1. The Child Welfare Services Ombudsman, to serve as cochair;

2. The Director of the Division of Child Welfare within the Department of Human Services, to serve as cochair;

3. One Senator and 2 members of the House of Representatives appointed by the President of the Senate and the Speaker of the House of Representatives;

4. One mental health care provider;

5. One physician;

6. One representative of the Court Appointed Special Advocate Program;

7. One representative of the Maine Foster Parents Association;

8. One member from a victims or survivors advocacy group;

9. One member from a citizens advocacy group; and

10. One representative of a law enforcement agency.

The cochairs of the advisory committee may appoint 7 members from among those listed in subsections 4 to 10. The cochairs may seek advice from and consultation with members of the judiciary.

The purpose of the advisory committee is to guide the development and implementation of the Coordinated Response System by working with the operational planning committee to solve problems and to adjust the operation of the team to conform with legislative intent.

The advisory committee shall also consider the feasibility of expanding the model to other areas of the State. The cochairs of the advisory committee shall seek to fill the nonlegislative membership positions with members who will work harmoniously and in good faith to fulfill the committee's purpose.

The staff of the Coordinated Response System shall submit a regular status report to the cochairs of the advisory committee and refine the reporting mechanism at the direction of the advisory committee, as needed.

Meetings of the advisory committee are held at the discretion of the cochairs. Legislative members are entitled to receive the legislative per diem and expenses as defined in the Maine Revised Statutes, Title 3, section 2, for attendance at advisory committee meetings called by the cochairs.

Staff needed to carry out legislative intent must be provided to the advisory committee by the Department of Human Services; and be it further

Sec. 6. Videotaping interviews. Resolved: That the Legislature strongly encourages the use of videotape to record interviews conducted during the initial assessment of child abuse and neglect referrals. The Legislature recognizes, however, that the use of electronic recording equipment is controversial and appears to have significant implications concerning the child and family members who are the subjects of a referral, the constitutional rights of a prospective defendant and the prosecutorial process. Accordingly, within the limits of funds available for this purpose, the staff of the Coordinated Response System is charged with exploring the implications of videotaping initial interviews and identifying means to resolve apparent issues with the intent of incorporating videotaping as a tool used during the initial assessment phase of the investigation to record initial interviews of the child and family members; and be it further

Sec. 7. Operational planning committee. Resolved: That, within the limits of funds available for this purpose, an operational planning committee is created to plan for the practical implementation of the Coordinated Response System. The following are permanent members of the committee: the Department of Human Services Region IV Program Manager, who serves as chair; the Director of the Child Protective Services Unit of the Department of Human Services; and the district attorney for Prosecutorial District Number 5 or the district attorney's designee. Membership on the committee includes not more than 4 others as chosen by the permanent members of the committee; and be it further

Sec. 8. Evaluation. Resolved: That with the advice of the advisory committee, staff to the Coordinated Response System shall submit an evaluation of the

effectiveness of the Coordinated Response System to the Joint Standing Committee on Audit and Program Review, the Joint Standing Committee on Human Resources, the Commissioner of Human Services and the Office of the Executive Director of the Legislative Council at the end of the first 2 years of full operation. The report must contain a specific section on the status and effectiveness of employing videotape to record interviews during the initial assessment phase of child abuse and neglect referrals as well as statistical data and relevant information to guide future decision making in the legislative and executive branches regarding replicating the system in other areas of the State; and be it further

Sec. 9. Personnel. Resolved: That, in regard to engaging law enforcement officers to carry out the purposes of this Act, within the limits of funds available for this purpose the Department of Human Services is authorized to contract with the district attorney for Prosecutorial District Number 5, who shall work in cooperation with state, county and local law enforcement agencies to provide up to 3 law enforcement officers for the initial assessment team of the Coordinated Response System. In regard to other personnel needed to carry out the purposes of this Act, within the limits of the funds available for this purpose the Department of Human Services is authorized to contract for the services of one coordinator for the system, up to 3 caseworkers for the initial assessment team and one clerical position; and be it further

Sec. 10. Allocation. Resolved: That the following funds are allocated from Other Special Revenue funds to carry out the purposes of this resolve.

1990-91

HUMAN SERVICES, DEPARTMENT OF

Coordinated Response System

| | |
|-------------------|------------------|
| Personal Services | \$165 |
| All Other | 172,470 |
| Total | <u>\$172,635</u> |

Provides funds to establish the Coordinated Response System on a contractual basis. Services to be contracted include personnel, training, evaluation and support services. In addition, funds are provided for per diem and expenses for legislative members of the advisory committee. Funds must be made available from Title IV-E administrative reimbursement.

Aid to Families with Dependent Children - Foster Care

| | |
|-------------------|--------------------|
| Personal Services | (\$1,155) |
| All Other | (171,480) |
| Total | <u>(\$172,635)</u> |

Deallocates funds to implement the intent of this resolve.

**DEPARTMENT OF HUMAN SERVICES
TOTAL**

\$ 0

Sec. 11. Effective date. This resolve takes effect January 1, 1991.

Effective January 1, 1991.

CHAPTER 100

S.P. 841 - L.D. 2160

Resolve, to Study Threats to Maine Lakes

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

Whereas, the lakes of the State represent an invaluable natural resource; and

Whereas, the quality of lake water is being threatened by increasing land development; and

Whereas, the study proposed by this resolve must be completed in time for a report to be submitted to the First Regular Session of the 115th Legislature and, therefore, it is essential that this study be initiated as soon as possible; 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. Legislative findings. Resolved: That the Legislature finds the following.

1. Maine has more than 5,000 lakes that represent a natural resource of enormous value to the State's environment, economy and quality of life.

2. Increased development pressures in the watersheds of Maine lakes are resulting in the degradation of lake water quality.