

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

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
2000

Allocates funds for 2 additional Environmental Specialist III positions and operating costs necessary to administer a mercury labeling program and other mercury-related requirements and to provide staffing assistance to the Mercury Products Advisory Committee.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

TOTAL \$115,838

See title page for effective date.

CHAPTER 780

H.P. 1409 - L.D. 2014

An Act to Provide for the Establishment of Alcohol and Drug Treatment Programs in Maine Courts

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

Sec. 1. 4 MRSA c. 8 is enacted to read:

CHAPTER 8

ALCOHOL AND DRUG TREATMENT PROGRAMS

§421. Establishment

1. Programs. The Judicial Department may establish alcohol and drug treatment programs in the Superior Courts and District Courts and may adopt administrative orders and court rules to govern the practice, procedure and administration of these programs. Alcohol and drug treatment programs must include local judges and must be community based and operated separately from juvenile drug courts.

2. Goals. The goals of the alcohol and drug treatment programs authorized by this chapter include the following:

- A. To reduce alcohol and drug abuse and dependency among criminal offenders;
- B. To reduce criminal recidivism;

C. To increase personal, familial and societal accountability of offenders;

D. To promote healthy and safe family relationships;

E. To promote effective interaction and use of resources among justice system personnel and community agencies; and

F. To reduce the overcrowding of prisons.

3. Collaboration. The following shall collaborate with and, to the extent possible, provide financial assistance to the Judicial Department in establishing and maintaining alcohol and drug treatment programs:

A. District attorneys, the Department of the Attorney General and statewide organizations representing prosecutors;

B. Defense attorneys, including statewide organizations representing defense attorneys;

C. The Department of Corrections;

D. The Department of Mental Health, Mental Retardation and Substance Abuse Services;

E. The Department of Public Safety;

F. The Department of Education;

G. The business community;

H. Local service agencies; and

I. Statewide organizations representing drug court professionals.

§422. Programs

1. Drug Court Coordinator. The Judicial Department shall employ a Drug Court Coordinator. The Drug Court Coordinator is responsible for helping the Judicial Department establish, staff, operate and evaluate alcohol and drug treatment programs in the courts.

2. Pass-through services. The Administrative Office of the Courts, with the assistance of the Drug Court Coordinator, may enter into cooperative agreements or contracts with:

A. The Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse or other federal-licensed treatment providers or state-licensed treatment providers to provide substance abuse services for alcohol and drug treatment program participants. To the extent possible, the alcohol and drug treatment programs must access existing sub-

stance abuse treatment resources for alcohol and drug treatment program participants;

B. The Department of Corrections, Division of Community Corrections or other appropriate organizations to provide for supervision of alcohol and drug treatment program participants;

C. The Department of Corrections or other appropriate organizations to provide for drug testing of alcohol and drug treatment program participants;

D. Appropriate organizations to provide for a drug court manager at each alcohol and drug treatment program location; and

E. Appropriate organizations and agencies for training of alcohol and drug treatment program staff and for evaluation of alcohol and drug treatment program operations.

§423. Reports

The Judicial Department shall report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 15, 2002 and annually thereafter on the establishment and operation of alcohol and drug treatment programs in the courts. The report must cover at least the following:

1. Training. Judicial training;

2. Locations. Locations in which the alcohol and drug treatment programs are operated in each prosecutorial district;

3. Participating judges and justices. Judges and justices participating in the alcohol and drug treatment programs at each location;

4. Community involvement. Involvement of the local communities, including the business community and local service agencies;

5. Education. Educational components;

6. Existing resources. Use of existing substance abuse resources;

7. Statistics. Statistical summaries of each alcohol and drug treatment program;

8. Collaboration. Demonstration of the collaboration required under section 421, subsection 3, including agreements and contracts, the entities collaborating with the Judicial Department, the value of the agreements and contracts and the amount of financial assistance provided by each entity; and

9. Evaluation of programs. Evaluation of alcohol and drug treatment programs individually and overall.

Sec. 2. Planning and implementation committee. The Judicial Department shall establish the Drug Court Committee to create a plan for and to implement alcohol and drug treatment programs. The plan must include at least the following:

1. Judicial training;

2. At least one program in each prosecutorial district, to be operated at various locations within each district;

3. The use of judges who are part of the community in which the alcohol and drug treatment program is located;

4. The involvement of the local community, including the local business community and local service agencies, in planning and implementing the programs and in the delivery of services;

5. The identification of the role of educational programs in alcohol and drug treatment programs;

6. The use of existing treatment resources;

7. An explanation of the collaboration required under the Maine Revised Statutes, Title 4, section 421, subsection 3, including agreements and contracts, the entities collaborating with the Judicial Department, the value of the agreements and contracts and the amount of financial assistance provided by each entity;

8. The identification of the resource needs to provide appropriate supervision of program participants; and

9. The establishment of evaluation criteria and procedures, including tracking the status of participants after they are no longer part of the program.

The Drug Court Committee shall report to the First Regular Session of the 120th Legislature and the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 15, 2001. The report must include a summary of the Drug Court Committee's activities, a timetable for full implementation and any legislation the Drug Court Committee recommends. The joint standing committee of the Legislature having jurisdiction over judiciary matters may report out legislation based on the recommendations.

Sec. 3. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

2000-01

All Other

\$50,000

JUDICIAL DEPARTMENT

**Courts - Supreme, Superior,
District and Administrative**

All Other

\$20,000

Provides one-time funds for
judicial training.

See title page for effective date.

Provides one-time funds for
school conflict resolution
education programs and a grant
program to support conflict
resolution and peer mediation
programs in schools.

See title page for effective date.

CHAPTER 781

H.P. 928 - L.D. 1305

**An Act to Establish and Fund
Conflict Resolution Programs in the
Public Schools**

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

Sec. 1. 20-A MRSA §262 is enacted to read:

§262. Violence prevention and intervention

The commissioner shall provide technical assistance to school administrative units that request assistance in the provision of violence prevention and intervention training programs for teachers, school staff and students. The assistance must emphasize conflict resolution education, peer mediation and early identification and response to signs of violence.

Sec. 2. Department of Education grant program providing technical assistance to schools for conflict resolution training and peer mediation programs. The Department of Education shall establish a grant program to initiate and continue support for conflict resolution education and peer mediation programs in schools. The Department of Education shall establish procedures for applying for grants, criteria for awarding grants and a process for evaluating and replicating successful programs.

Sec. 3. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

2000-01

**EDUCATION,
DEPARTMENT OF**

Learning Systems

CHAPTER 782

H.P. 1768 - L.D. 2481

**An Act to Establish the Dam Repair
and Reconstruction Fund and
Reconstruct 2 Small Dams in
Whiting**

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

Sec. 1. 38 MRSA §844 is enacted to read:

§844. Dam Repair and Reconstruction Fund

1. Fund established. The Dam Repair and Reconstruction Fund, referred to in this section as the "fund," is established. The department shall administer the fund and may make grants from the fund solely for the repair or reconstruction of a dam pursuant to this section.

2. Grant criteria. A dam is eligible for a grant from the fund if it:

A. Controls the flow of water;

B. Is breached and causes a lowering of the water level; and

C. Meets any other criterion the department may by rule require.

3. Rulemaking. The department shall adopt rules to implement this section, including criteria and procedures for the application for and award of grants from the fund. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

Sec. 2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.