

MAINE STATE LEGISLATURE

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STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON
HUMAN RESOURCES
BILL SUMMARY



JULY, 1985

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ONE HUNDRED AND TWELFTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE
BILL SUMMARIES
JULY 1985

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees of the Maine Legislature, covering the First Regular Session of the 112th Legislature. The summaries are arranged by LD number and indexed separately by committee.

Presently, a Medicaid waiver is pending approval which provides relief in assisting physically or developmentally disabled adults to acquire these life support services.

LD: 1330 AN ACT RELATING TO INVESTIGATIONS OF CHILD ABUSE IN INSTITUTIONS LICENSED BY THE STATE

OTP-AM	HOUSE	Enacted			PRIEST
	SENATE	Enacted			ROLDE
	GOV	SIGNED			PARADIS P
					BERUBE
					PUBLIC
					CH # 380
H-385	CA		H	S	
S-276	CA	BERUBE	H	S	

SUMMARY:

The purpose of this bill was to specify procedures to be followed by the Department of Human Services in investigating suspected child abuse or neglect in a facility licensed by the department. The bill established a timetable for these investigations, amended current law concerning mandatory disclosure of records of the department dealing with child protection by adding the alleged perpetrator and the governing authority of the facility to the required disclosure list; added provisions to current law to assure that all actions taken by the department upon completion of an investigation of child abuse or neglect in a licensed facility are subject to independent review; and created investigatory procedures for the department in cases involving suspected child abuse or neglect in licensed facilities by requiring a preliminary investigation, procedures for further investigation, and final written report.

The committee amendment (H-385) replaced the original bill. It provided a method for day care facilities to appeal a decision of the Department of Human Services if the department terminates a funding contract or fails to renew a funding contract based on the facility's failure to discharge or suspend an employee for actions resulting from or arising out of an investigation of child abuse or neglect.

It also provided immunity for monetary damages for a member of the governing body of a day care facility for personnel actions it takes, in good faith, if that action was the result of a recommendation or suggestion of the Department of Human Services. In addition, it provided the same immunity to the governing body, except to the extent of any insurance it might have.

Both sections of this bill are repealed October 1, 1987, so that its operation must be reviewed in 2 years to evaluate its operation.

The Senate amendment (S-276) added 2 words inadvertently omitted from the committee amendment. It ensured that the notice provided in the Maine Revised Statutes, Title 5, section 1832 is "written" and that members of the governing authority are not "personally" liable for monetary award of damages in the Maine Revised Statutes, Title 14, section 168.

LD: 1337 RESOLVE, RELATING TO THE DEVELOPMENT OF
EMERGENCY AN INTERAGENCY PLAN TO ADDRESS THE IDENTIFIED
GAPS IN MENTAL HEALTH SERVICES FOR CHILDREN
AND FAMILIES (REPORTED PURSUANT TO RESOLVE,

OTP HOUSE Emer. Finally Passed RESOLVE
SENATE Emer. Finally Passed CH # 27
GOV EMER SIGNED

H-135 HA NELSON H S

SUMMARY:

This resolve, along with LD 1338 thru LD 1342, resulted from the so-called Concannon Commission, the Commission to Examine the Availability, Quality, and Delivery of Services Provided to Children with Special Needs. This resolve mandates the Departments of Corrections, Educational and Cultural Services, Human Services, and Mental Health and Mental Retardation identify gaps in mental health services for their respective clients and to submit an interagency plan for addressing those gaps to the Human Resources and Judiciary Committees no later than January 15, 1986.

As originally written, the resolve would have focused primarily on the role the Augusta Mental Health Institute would have in a network of mental health services. The house amendment (H-135) broadened that focus to all inpatient mental health facilities, public and private.

LD: 1338 RESOLVE, RELATING TO IMPROVED DELIVERY OF
EMERGENCY SERVICES TO JUVENILE JUSTICE CLIENTS (REPORTED
PURSUANT TO A RESOLVE CHAPTER 47 OF 1983)

OTP HOUSE Emer. Finally Passed RESOLVE
SENATE Emer. Finally Passed CH # 28
GOV EMER SIGNED

SUMMARY:

This resolve was a result of the Concannon Commission (see LD 1337-LD 1342). It requires that pertinent diagnostic, medical, psychological and educational information be included in the records of adjudicated juveniles for consideration in placement decisions. It also requires the Departments of Corrections, Educational and Cultural Services, Human Services, and Mental Health and Mental Retardation, in conjunction with the Chief Justice of the District Court, to develop working agreements and protocols for assuring the appropriate flow of this information to judges for dispositional hearings of juveniles.