

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

Prepared by:

John Selser, Legislative Assistant
Office of Legislative Assistants
State House, Station 13 Augusta, Maine 04333
(207) 289-1670



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STATE OF MAINE
OFFICE OF LEGISLATIVE ASSISTANTS
ROOM 101
STATE HOUSE, STATION 13
AUGUSTA, MAINE 04333
TEL.: (207) 289-2486

SARAH HOOKE
JULIE S. JONES
JOHN B. KNOX
EDWARD POTTER
MARGARET J. REINSCH
LARS RYDELL
JOHN SELSER
ANDREA COLNES, RES. ASST.

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.

LD: 1350 AN ACT TO LIMIT THE NUMBER OF CLIENTS
ASSIGNED TO HUMAN SERVICES CASEWORKERS

NELSON
BRODEUR

ONTP HOUSE Accepted Committee Report
SENATE Accepted Committee Report
GOV

SUMMARY:

This bill proposed to limit the number of clients assigned to a Human Services' caseworker (25 for protective services and 30 for substitute care). This bill also requires the department to report to the Governor and Legislature any overload which has existed for at least 2 months and to indicate any vacant caseworker positions in the region experiencing the overload.

The bill was withdrawn in view of the Audit Committee study.

LD: 1366 AN ACT TO IMPROVE DELIVERY OF CHILD
PROTECTIVE SERVICES

BUSTIN
CHALMERS
ROLDE

LV-WD HOUSE Accepted Committee Report
SENATE Accepted Committee Report
GOV

SUMMARY:

The bill sought to establish a limit for Human Services' caseworkers of 25 cases.

The bill also would have established a network of state operated emergency shelters for children at risk within each region to enable maintenance of local support services for these children. The bill was withdrawn in view of the Audit Committee study.

The concern for emergency shelters was addressed by the committee amendment (H-216) to LD 1342.

LD: 1369 AN ACT TO ASSURE ADVOCACY SERVICES FOR
CHILDREN WITH LEARNING DISABILITIES

CLARK N
CROUSE
GILL
MATTHEWS K
PUBLIC
CH # 159

HOUSE Enacted
SENATE Enacted
GOV SIGNED

SUMMARY:

The original bill (LD 732) added children with learning disabilities to people eligible for direct assistance from the Protection and Advocacy Agency for the Developmentally Disabled. Currently, unless a child is severely learning disabled, he is only eligible for information and referral services.

The new draft added a definition of learning disability and conformed the rest of the law concerning advocacy for the developmentally disabled with the language and intent of the original bill.

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|-----|-----------|---|----------|--------|---------|---|---|------------|
| LD: | 1371 | AN ACT TO INCLUDE RESTITUTION AS A | | | | | | COOPER |
| | EMERGENCY | DISCIPLINARY CONSEQUENCE TO INMATE MISCONDUCT | | | | | | CHALMERS |
| | | AT STATE CORRECTIONAL FACILITIES | | | | | | DRINKWATER |
| | | | HOUSE | Emerg. | Enacted | | | KANE |
| | | | SENATE | Emerg. | Enacted | | | PUBLIC |
| | | | GOV | EMER | SIGNED | | | CH # 352 |
| | S-181 | SA | CHALMERS | | | | | |
| | S-205 | SB | CHALMERS | | | H | S | |

SUMMARY:

The current law governing the disciplinary consequences for inmate misconduct at state correctional facilities or for misconduct of juveniles committed to the Maine Youth Center or to the Department of Corrections does not include the option for restitution when state property has been damaged or destroyed through misconduct. This bill allowed inmates and these juveniles to be held accountable for their behavior by requiring, when appropriate, restitution for any property that has been damaged or destroyed as a result of their misconduct.

The new draft (of LD 386) added an emergency preamble and clause to avoid the possibility that inmates will transfer their assets before the effective date of this Act to avoid their responsibilities to pay for property they damage. It also clarified some of the language in the original bill.

In addition, the new draft allowed county jails to obtain restitution from inmates in the jails for property damages caused by the inmates. It also added a provision to ensure that payments for the support of dependents, when required by the Department of Human Services, will not be available for restitution.

The new draft was tabled in the Senate for consideration of some legal issues. There was some concern expressed that the bill would violate the involuntary servitude provisions of the U.S. constitution. In addition Senate Amendment "A" (S-181) was proposed to delete a provision which was alleged to violate the peonage law of the U.S. Civil Rights Act and to impose the garnishment limitations of Title 14, Maine Revised Statutes, in the restitution provisions. After some deliberation, Senate Amendment "B" (S-205) was adopted to address the issue of peonage. It changed the focus of the bill to allow the facility to require an inmate to work as a disciplinary consequence of his action, but not to require work to repay a debt, e.g. the cost of the damage. (This addressed the peonage issue.)