

MAINE STATE LEGISLATURE

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STATE OF MAINE
117TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
HUMAN RESOURCES

AUGUST 1995

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**ONE HUNDRED AND SEVENTEENTH LEGISLATURE
FIRST REGULAR SESSION**

**SUMMARY OF LEGISLATION BEFORE
THE JOINT STANDING COMMITTEES**

AUGUST 1995

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries. The publication, History and Final Disposition of Legislative Documents, is helpful in determining to which committee any particular bill was referred.

In this document, the committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number, together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various categories of final action are abbreviated as follows:

<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not to Pass report accepted</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of enacted Resolve</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

These summaries were prepared by the analyst or analysts assigned to the committee. If more detailed information is needed on a bill, contact the committee analyst.

5581LHS

COMMITTEE AMENDMENT "A" (H-556) replaces the bill. It clarifies certain definitions in the Lead Poisoning Control Act. It expands the focus of the Act from protecting children to protecting the public as a whole. It limits the award of damages in nondeliberate cases for all losses except medical care and treatment involving lead poisoning to \$750,000. This provision is repealed April 15, 1996. It establishes guidelines for essential maintenance practices for all owners of dwellings rented for residential purposes, residential child-care facilities and preschool facilities constructed prior to 1978.

**LD 1507 An Act to Prevent the Use of Correctional Facilities for
the Detention of the Mentally Ill**

PUBLIC 431

SPONSOR(S)
FITZPATRICK

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-554

SUMMARY

This bill enacts a number of provisions to promote appropriate treatment for seriously mentally ill individuals who come in contact with the criminal justice system, specifically with the correctional system.

1. It prohibits the detention of mentally ill individuals in correctional facilities unless they have been formally charged with a crime.
2. It requires hospitalization for treatment for seriously mentally ill individuals who are incarcerated and establishes procedures for hospitalization and release.
3. It requires all community correctional facilities to establish committees to address the needs of mentally ill individuals in their facilities.
4. It requires the Department of Mental Health and Mental Retardation, in cooperation with other agencies, to develop a strategy for diverting seriously mentally ill individuals from the correctional system.
5. It requires community providers of mental health services, as a condition of receiving state grants, to develop cooperative plans with local correctional facilities and law enforcement authorities to serve the needs of the mentally ill individuals they serve.

COMMITTEE AMENDMENT "A" (H-554) replaces the bill. It clarifies language in the bill. The amendment deletes section 2 of the original bill, which would have required the creation of mental health committees in community correctional facilities. It requires the following additional entities to participate in development of a comprehensive state strategy to prevent incarceration of the seriously mentally ill: providers of inpatient mental health services, advocates for consumers of mental health services, sheriffs' departments, local law enforcement agencies, the Office of Substance Abuse and the Department of Public Safety. It declares ineligible for state funding for mental health services those providers of mental health services that do not participate in the development of plans to serve the population with serious mental illness.

LD 1508 An Act Concerning Residential Treatment Facilities

PUBLIC 301

SPONSOR(S)
FITZPATRICK

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-382

SUMMARY

This bill establishes a procedure for identifying children in need of supervision and addressing their needs. A child in need of supervision is defined as:

- 1. A child of compulsory school age who is habitually absent from school without legal excuse;
- 2. A child who has run away from home or is otherwise beyond the control the child's parent, guardian or custodian; or
- 3. A child whose behavior or condition endangers the child's own welfare or the welfare of others.

This bill contains the following changes to state law recommended by the Commission on Children in Need of Supervision and Treatment in 1989.

- 1. The bill creates the Maine Commission for Youth and Families, modeled upon existing advocacy commissions in State Government, to provide a centralized office to serve inquiries regarding state-provided child and family services, to assist in developing and evaluating state policy toward children and families and to serve as an advocate for children and families within State Government.
- 2. The bill provides authority and funding to the Bureau of Children with Special Needs to implement a broad spectrum of services for children in need of supervision. These needed services will ensure that appropriate treatment services are available to children in need of supervision and that no gaps exist in the services. Under the bill, services will be delivered by the State and through contract with private service providers on a regional basis to ensure adequate coverage of the entire State.
- 3. The bill calls for a further study to be conducted by the Maine Commission for Youth and Families and directs the commission to evaluate the efficacy of the current youth and family service system in Maine. The commission will employ a consultant to perform the study at the direction of the commission. In particular, the study will focus on efforts to coordinate the provision of youth and family services by the various departments of State Government. The commission shall submit its report, with any recommended legislation, to the First Regular Session of the 118th Legislature.

The bill also provides for secure facilities for children in need of supervision who do not comply with valid court orders.

The bill also requires the Department of Mental Health and Mental Retardation to develop a capacity to provide facilities within the State for children who require long-term care for mental illness and who have additional conditions that make the use of secure facilities appropriate in providing necessary treatment and care.

COMMITTEE AMENDMENT "A" (H-382) replaces the bill. It defines "residential treatment facility with secure capacity." It deletes the remainder of the bill. It adds a fiscal note to the bill.

LD 1534 An Act to Establish the Board of Licensure of Water Treatment Plant Operators

PUBLIC 442

SPONSOR(S)
TAYLOR

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-489

SUMMARY

This bill establishes the Board of Licensure of Water Treatment Plant Operators within the Department of Human Services. The primary purpose of the board is to provide expert support and direction within the department for the examination and licensure of water treatment plant operators. Specific fees and