

STATE OF MAINE
KENNEBEC, ss.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-89-88

PAUL BATES, et al.
Plaintiffs

v.

MELODIE PEET, et al.
Defendants

ORDER

The Court has reviewed the Defendants' Motion to Amend Paragraph 96 of the Settlement Agreement and finding that there is no objection to this Motion and that this amendment will enhance the Defendants' ability to fulfill its obligations under the Consent Decree and meet the needs of class members,

This Court grants the Motion and amends Paragraph 96 as follows:

96. For purposes of this sub-section, a home is a residential unit where unrelated persons live together sharing some common space and facilities. It does not include residential arrangements established through the collaborative efforts of the residents. The housing to be developed, recruited, newly funded or supported under this Agreement shall be located where the other community services described in this Agreement are reasonably available. Except for hospices, shelters, and nursing homes, no homes which exceed an eight person capacity may be used or developed. This limitation on the use of large homes shall not apply to class members who choose to live in homes which exceed an eight person capacity, provided the housing is existing and licensed as of the date of this Agreement and the class member makes an informed choice to live in the home after having been advised of the provisions of this paragraph.

For good cause shown, the Master is authorized to grant waivers of the eight bed requirement for residences or groups of residences that exceed the eight bed limit, provided there is a protocol in place that assures that clients are afforded an opportunity to make an informed choice regarding their housing, and includes an ongoing assessment of the desire for and the availability of less restrictive alternatives.

Dated: 2/16/96


Justice, Superior Court