

1 2	FIRST REGULAR SESSION
3	ONE HUNDRED AND ELEVENTH LEGISLATURE
5	Legislative Document No. 1265
7 8	H.P. 970 House of Representatives, March 18, 1983 Referred to the Committee on Appropriations and Financial Affairs. Sent
9	up for concurrence and ordered printed.
10	EDWIN H. PERT, Clerk
, 10	Presented by Representative Murray of Bangor. Cosponsors: Representative Lisnik of Presque Isle, Senator Clark of Cumberland and Representative Nadeau of Lewiston.
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12 13	STATE OF MAINE
14 15 16	IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-THREE
17 18 19	AN ACT to Provide Advocacy Services to Residents of Children's Homes.
0 1	Be it enacted by the People of the State of Maine as follows:
22 23	<pre>Sec. 1. 20-A MRSA §7202, sub-§2-A is enacted to read:</pre>
24 25 26 27 28 29 30	2-A. Assist advocates for developmentally dis- abled. Assist the Protection and Advocacy Agency for the Developmentally Disabled in Maine in conducting an investigation, pursuant to Title 22, section 3554, by providing access to relevant case records, noti- fying parents or guardians of these investigations and by requesting parental consent for access to case
31 32 33	records by the agency. Parents or guardians may refuse to consent to the examination of these records;

Sec. 2. 22 MRSA §3552, sub-§1, is enacted by PL
 1979, c. 553, §2, is amended to read:

1. <u>Advocacy.</u> "Advocacy" means speaking for, pleading for, supporting, advising, espousing the rights of or interceding on behalf of persons with developmental disabilities or persons in facilities included in section 3558 before public or private agencies, organizations, institutions or individuals serving developmentally disabled persons.

10 Sec. 3. 22 MRSA §3553, sub-§7-A is enacted to 11 read:

12 7-A. Report to Interdepartmental Commit-13 tee. Prepare periodic reports to the Interdepart-14 mental Committee of the Department of Corrections, 15 Department of Educational and Cultural Services, 16 Department of Mental Health and Mental Retardation 17 and the Department of Human Services regarding ac-18 tions taken under section 3558.

19 Sec. 4. 22 MRSA §3558 is enacted to read:

20 §3558. Application to residents in children's homes

The provisions of this chapter shall have equal application to residents in children's homes, emergency shelters, family foster homes and residential child care facilities as those terms are defined in section 8101. Personnel of the agency shall make periodic unannounced visits as least annually to these facilities, except family foster homes for the purpose of fulfilling their advocacy role.

29 Sec. 5. Appropriation. The following funds are 30 appropriated from the General Fund to carry out the 31 purposes of this Act.

1983-84

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33 Advocates for the Develop-34 mentally Disabled

32

 35
 Positions
 (2)

 36
 Personal Services
 \$39,294

1 Provides funds for 2 2 advocates to perform the 3 additional advocacy func-4 tion required by this 5 bill.

## STATEMENT OF FACT

The purpose of this bill is to extend the advo-7 8 cacy services of the advocates for the developmen-9 tally disabled to residents in children's homes. 10 Residents with mental disabilities in institutions 11 under the Department of Mental Health and Mental 12 Retardation are served by the Office of Advocacy; developmentally disabled persons in institutions 13 are 14 served by the advocates for the developmentally dis-15 abled; and nursing home residents are served by the nursing home ombudsman. There is no formal advocate 16 17 for residents in children's homes.

18 This bill extends the powers and duties of the 19 advocates for the developmentally disabled to resi-20 dents in children's homes, emergency shelters and 21 residential child care facilities. Excluded from the 22 advocates' jurisdiction are foster homes and special-23 ized children's homes.

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