

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 581

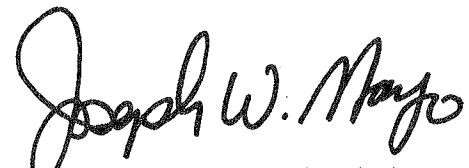
H.P. 431

House of Representatives, January 28, 1997

**Resolve, to Establish the Commission to Determine the Adequacy of
Services to Persons with Mental Retardation.**

(EMERGENCY)

Reference to the Committee on Health and Human Services suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative MITCHELL of Portland.
Cosponsored by Senator MITCHELL of Penobscot and
Representatives: COLWELL of Gardiner, COWGER of Hallowell, FARNSWORTH of
Portland, LOVETT of Scarborough, MITCHELL of Vassalboro, QUINT of Portland,
Senators: LONGLEY of Waldo, PARADIS of Aroostook.

2 **Emergency preamble.** Whereas, Acts and resolves of the
Legislature do not become effective until 90 days after
adjournment unless enacted as emergencies; and

4
6 **Whereas,** Maine public policy has resulted in the closure of
Pineland Center, Maine's state-operated institution for
individuals with mental retardation; and

8
10 **Whereas,** the Pineland Consent Decree provides for
appropriate delivery of community-based services for former
residents of Pineland Center, but does not address the needs of
12 persons with mental retardation who have never resided at
Pineland Center; and

14
16 **Whereas,** many Maine students with mental retardation
graduate from public schools every year without access to
community-based services, and private community-based agencies
18 are experiencing long waiting lists for persons requiring both
residential and day habilitation services; and

20
22 **Whereas,** the problems are compounded by the inability of
private agencies to retain qualified staff because of their
inability to offer competitive wages; and

24
26 **Whereas,** community-based private agencies must offer the
necessary safety net for Maine's citizens with mental
retardation; and

28
30 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
32 necessary for the preservation of the public peace, health and
safety; now, therefore, be it

34
36 **Sec. 1. Commission established. Resolved:** That the Commission
to Determine the Adequacy of Services to Persons with Mental
Retardation, referred to in this resolve as the "commission," is
38 established; and be it further

40 **Sec. 2. Commission membership. Resolved:** That the commission
consists of 17 members as follows:

42
44 1. Two members of the Senate, one from the Joint Standing
Committee on Appropriations and Financial Affairs and one from
the Joint Standing Committee on Health and Human Services,
46 appointed by the President of the Senate;

48 2. Two members of the House of Representatives, one from
the Joint Standing Committee on Appropriations and Financial
50 Affairs and one from the Joint Standing Committee on Health and
Human Services, appointed by the Speaker of the House of
52 Representatives;

2 3. Two representatives of consumers of mental retardation
3 services who are not currently receiving services, appointed by
4 the Governor;

6 4. Two persons who are current caregivers for family
7 members with mental retardation who are not receiving services
8 from a community agency, appointed by the Governor;

10 5. Four representatives of the provider community, 2
11 appointed by the Maine Association of Rehabilitation Services and
12 2 appointed by the American Network of Community Options and
13 Resources;

14 6. One representative of the Department of Mental Health,
15 Mental Retardation and Substance Abuse Services, appointed by the
16 Commissioner of Mental Health, Mental Retardation and Substance
17 Abuse Services;

18 7. One representative of the Department of Human Services,
19 appointed by the Commissioner of Human Services;

20 8. One representative of the Department of Education,
21 appointed by the Commissioner of Education;

22 9. One representative of the Interdepartmental Committee on
23 Transition, appointed by the chair of the committee; and

24 10. An independent human resources expert from the private
25 sector, appointed by the Governor; and be it further

26 **Sec. 3. Convening of commission. Resolved:** That all
27 appointments to the commission must be made no later than 30 days
28 after the effective date of this resolve. The Chair of the
29 Legislative Council shall call the first meeting of the
30 commission within 14 days after all appointments are made. The
31 commission shall elect a chair from among its members; and be it
32 further

33 **Sec. 4. Duties. Resolved:** That the commission shall study the
34 following issues:

35 1. The adequacy of services to persons with mental
36 retardation that are not covered by the Pineland Consent Decree;
37 and

38 2. The adequacy of current wage structures, continuing
39 educational programs and other systems to support and enhance the
40 quality of direct service professionals employed by
41 community-based agencies that serve persons with mental
42

2 retardation and that contract with the Department of Mental
Health, Mental Retardation and Substance Abuse Services and the
4 Bureau of Rehabilitation Services within the Department of Labor;
and be it further

6 **Sec. 5. Public participation; activities. Resolved:** That the
commission shall hold at least 2 public hearings in different
8 geographic areas of the State and give public notice of the
hearings in order to solicit public participation and comment.
10 The commission may undertake other hearings, presentations or
analyses it determines useful; and be it further

12 **Sec. 6. Report. Resolved:** That the commission shall prepare a
written report of its findings and recommendations and submit its
14 report, together with any necessary implementing legislation,
within 30 days after the convening of the Second Regular Session
16 of the 118th Legislature. If the commission requires an
extension, it may apply to the Legislative Council, which may
18 grant the extension; and be it further

20 **Sec. 7. Staff assistance. Resolved:** That the commission may
request staffing assistance from the Legislative Council; and be
22 it further

24 **Sec. 8. Reimbursement. Resolved:** That the members of the
commission are not entitled to any reimbursement or compensation
26 for attendance at meetings of the commission, except legislative
members are entitled to receive the legislative per diem and
28 reimbursement for expenses upon the approval of the chair of the
commission and application to the Executive Director of the
30 Legislative Council.

32 **Emergency clause.** In view of the emergency cited in the
34 preamble, this resolve takes effect when approved.

36
38 **SUMMARY**

This resolve creates the Commission to Determine the
40 Adequacy of Services to Persons with Mental Retardation. The
commission shall study the adequacy of services for persons with
42 mental retardation who are not served by the Pineland Consent
Decree.