

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1396

H.P. 975

House of Representatives, April 2, 2009

**An Act To Establish a Mental Health Services Advisory Commission
To Improve Mental Health Services in the State**

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND

Clerk

Presented by Representative PERRY of Calais.

Cosponsored by Representatives: EVES of North Berwick, LEWIN of Eliot, PETERSON of Rumford, Speaker PINGREE of North Haven, STRANG BURGESS of Cumberland, STUCKEY of Portland, Senator: President MITCHELL of Kennebec.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 5 MRSA c. 331** is enacted to read:

3 **CHAPTER 331**

4 **MENTAL HEALTH SERVICES ADVISORY COMMISSION**

5 **§3551. Mental Health Services Advisory Commission**

6 The Mental Health Services Advisory Commission, referred to in this chapter as "the
7 commission" and established by section 12004-I, subsection 47-H, is established to
8 advise, consult and assist the Governor and the executive, legislative and judicial
9 branches of State Government with activities of State Government related to mental
10 health services.

11 **§3552. Membership**

12 **1. Members; appointment.** The commission consists of 17 members appointed as
13 follows:

14 A. One member of the Senate, appointed by the President of the Senate, and 5
15 members of the Legislature who may be members of either the Senate or the House
16 of Representatives, appointed by the President of the Senate if Senators or the
17 Speaker of the House if members of the House of Representatives. Two of these 5 at-
18 large members of the Legislature must be members of the joint standing committee of
19 the Legislature having jurisdiction over health and human services matters;

20 B. One representative of the Department of Health and Human Services, office of
21 adult mental health services, appointed by the Commissioner of Health and Human
22 Services;

23 C. One psychiatrist knowledgeable about the State's mental health services,
24 appointed by the Governor;

25 D. One nominee of a statewide alliance for mental health services, appointed by the
26 Governor;

27 E. One attorney who represents clients involved with the mental health system,
28 appointed by the Governor;

29 F. One mental health services practitioner, one mental health education practitioner,
30 one mental health treatment practitioner and 3 mental health services providers,
31 appointed by the Governor; and

32 G. One private sector employer familiar with mental health employee assistance
33 programs, appointed by the Governor.

34 **2. Qualifications.** To be qualified to serve on the commission, members must have
35 education, training, experience, expertise and interest in and knowledge of mental health
36 services and training. Members must reflect experiential diversity and concern for mental
37 health services and treatment in the State. Members must have an unselfish and

1 dedicated personal interest demonstrated by active participation in mental health such as
2 services, treatment, rehabilitation, training or research in mental health.

3 **3. Term; vacancies.** Terms of appointment to the commission begin and expire on
4 June 1st. A vacancy in the commission does not affect the commission's powers, but
5 must be filled in the same manner as the original appointment. The term of office for
6 members of the commission is 3 years, except that a member appointed to fill a vacancy
7 in an unexpired term serves only for the remainder of that term. Members hold office
8 until the appointment and confirmation of their successors.

9 **4. Reappointment; termination.** Members may be appointed for 2 consecutive
10 terms only and may serve after the expiration of their terms until their successors have
11 been appointed and qualified and have taken office. The appointing authority may
12 terminate the appointment of a member for good and just cause and the appointing
13 authority shall communicate the reason for the termination to the member terminated.
14 The appointment of a member of the commission is terminated if the member is absent
15 from 3 consecutive meetings without a good and just cause that is communicated to the
16 chair of the commission.

17 **5. Chair; officers.** The Governor shall designate one member to chair the
18 commission. The commission may elect other officers from its members as it considers
19 appropriate.

20 **6. Subcommittees.** The commission may appoint from its membership
21 subcommittees relating to particular problem areas or other matters as long as the
22 commission functions as an integrated commission.

23 **7. Administrative and financial assistance.** The Department of Health and Human
24 Services shall provide the commission administrative or financial assistance that is
25 available from department resources.

26 **§3553. Meetings; compensation; quorum**

27 **1. Calling meetings.** The commission shall meet at the call of the chair or at the call
28 of at least 1/4 of the members appointed and currently holding office.

29 **2. Frequency of meetings.** The commission shall meet at least 12 times a year and
30 at least once a month.

31 **3. Minutes.** The commission shall keep minutes of all meetings, including a list of
32 people in attendance. The commission shall immediately send copies of the minutes to
33 the Governor and the leadership of the Legislature, who shall provide for their
34 appropriate distribution and retention in a place of safekeeping.

35 **4. Compensation.** Members of the commission are entitled to compensation under
36 section 12002-A.

37 **5. Quorum; council action.** A majority of the commission members constitutes a
38 quorum for the purpose of conducting the business and exercising all the powers of the

1 commission. A vote of a majority of the members present is sufficient for all actions of
2 the commission.

3 **§3554. Duties of the commission**

4 The commission, in cooperation with the Department of Health and Human Services,
5 has the following duties.

6 **1. Advise the department.** The commission shall advise the Department of Health
7 and Human Services in the development and implementation of significant policy matters
8 relating to mental health.

9 **2. Serve as advocate; review and evaluate; inform the public.** The commission
10 shall serve as an advocate on mental health services, promoting and assisting activities
11 designed to meet the problems of mental health at the national and state levels. With the
12 support of the Department of Health and Human Services, the commission shall review
13 and evaluate on a continuing basis state and federal policies and programs relating to
14 mental health services conducted or assisted by state departments or agencies that affect
15 persons involved in the mental health system. In cooperation with the department, the
16 commission shall keep the public informed by collecting and disseminating information,
17 by conducting or commissioning studies and publishing the results of those studies, by
18 issuing publications and reports and by providing public forums, including conferences
19 and workshops.

20 **3. Report to the Legislature.** The commission shall report annually to the joint
21 standing committee of the Legislature having jurisdiction over health and human services
22 matters and the joint standing committee of the Legislature having jurisdiction over
23 appropriations and financial affairs on or before the last business day of each year. The
24 report must include developments and needs and significant policy matters relating to
25 mental health services.

26 **Sec. 2.** 5 MRSA §12004-I, sub-§47-H is enacted to read:

27 **47-H.**

28 <u>Human Services:</u>	<u>Mental Health</u>	<u>Expenses Only</u>	<u>5 MRSA §3551</u>
29 <u>Mental Health</u>	<u>Services Advisory</u>		
30	<u>Commission</u>		

31 **Sec. 3. Mental Health Services Advisory Commission; staggered terms**
32 **for initial appointees.** Notwithstanding the Maine Revised Statutes, Title 5, section
33 3552, subsection 3, the terms of the 6 members appointed under section 3552, subsection
34 1, paragraph F are staggered. Of the initial appointees under that paragraph, 2 are
35 appointed for terms of 3 years, 2 for terms of 2 years and 2 for terms of one year.

36 **SUMMARY**

37 This bill establishes the Mental Health Services Advisory Commission to look at how
38 mental health services are delivered statewide and to advise, consult and assist the

1 Governor and the executive, legislative and judicial branches of State Government with
2 activities of State Government related to the delivery of mental health services.