

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2025

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Legislative Document

No. 1866

S.P. 736

In Senate, May 5, 2025

### **An Act to Amend the Laws Regarding the State-designated Agency Advocating for Individuals with Serious Mental Illness**

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Received by the Secretary of the Senate on May 1, 2025. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator CARNEY of Cumberland.  
Cosponsored by Representative MEYER of Eliot and  
Senators: BENNETT of Oxford, MOORE of Washington, STEWART of Aroostook,  
Representatives: DEBRITO of Waterville, GRAHAM of North Yarmouth, HENDERSON of  
Rumford, MCCABE of Lewiston, ZAGER of Portland.

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

2               **Sec. 1. 34-B MRSA §3012** is enacted to read:

3       **§3012. Advocacy agency for individuals with serious mental illness**

4               **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
5 following terms have the following meanings.

6               A. "Designated nonstate mental health institution" has the same meaning as in section  
7 3801, subsection 1-A.

8               B. "Nonstate mental health institution" has the same meaning as in section 3801,  
9 subsection 6.

10              C. "State mental health institute" has the same meaning as in section 3801, subsection  
11 9.

12              **2. Protection and advocacy agency services.** The department shall contract with,  
13 and make a good faith effort to obtain appropriations sufficient to fund, the agency  
14 designated pursuant to Title 5, section 19502, referred to in this section as "the agency,"  
15 for the provision of 6 full-time advocates to provide the following advocacy services on a  
16 statewide basis to individuals with serious mental illness who are residing in those  
17 individuals' communities or who are hospitalized at a state mental health institute, a  
18 nonstate mental health institution or a designated nonstate mental health institution.

19              A. The agency shall receive complaints made by or on behalf of individuals with  
20 serious mental illness and represent those individuals' interests in any matter pertaining  
21 to those individuals' rights, including complaints regarding timely access to mental  
22 health services in those individuals' communities under paragraph G.

23              B. The agency may pursue in its own name or on behalf of an individual with serious  
24 mental illness any legal, administrative or other appropriate remedies to ensure the  
25 protection of and advocacy for the rights of individuals with serious mental illness who  
26 are or may be eligible for services administered, licensed or funded by the department,  
27 except that the agency may refuse to take action on any complaint that it considers to  
28 be trivial, to be moot or to lack merit or for which resources are insufficient or for  
29 which there is clearly another remedy available.

30              C. The agency may refer individuals with serious mental illness to other agencies or  
31 entities and collaborate with those agencies or entities for the purpose of advocating  
32 for the rights of those individuals.

33              D. The agency shall act as an information source regarding the rights of individuals  
34 with serious mental illness and stay informed about the laws, administrative rules and  
35 institutional and other policies relating to the rights and dignity of those individuals  
36 and about relevant legal decisions and other developments related to mental health,  
37 intellectual disabilities and autism spectrum disorder, both in this State and in other  
38 parts of the country.

39              E. The agency may make and publish reports necessary to the performance of the  
40 duties described in this section. The agency may report its findings to groups outside  
41 the department, such as legislative bodies, advisory committees, commissions, law  
42 enforcement agencies and the press. At least annually, the agency shall report both in

person and in writing to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the department regarding the performance of the duties described in this section.

F. The agency may monitor the delivery of services, supports and other assistance or residential services or treatment provided to individuals with serious mental illness for the purpose of ensuring that services, supports and assistance meet the needs of those individuals and are delivered in conformity with laws, regulations, rules and other standards regarding quality of care.

G. The agency shall timely report to the department any complaints regarding infringement of the rights of individuals with serious mental illness and with any other obligations set forth in statute, rule or contract related to providing mental health services to individuals with serious mental illness by other agencies licensed or funded by the department to provide services in those individuals' communities.

**3. Access to medical records and files.** In addition to the agency's authority to access records under Title 5, chapter 511 and 42 United States Code, Chapter 114, the department through a contract shall grant the agency access to medical records and files related to care exclusively for individuals hospitalized in a state mental health institute.

**4. Confidentiality.** The following provisions govern confidentiality.

A. Any request by or on behalf of an individual with serious mental illness for action by the agency and all written records or accounts related to the request, including the identity of the individual, are confidential.

B. Records maintained by the agency are the property of the agency, and the agency shall protect them from loss, damage, tampering or use by unauthorized individuals and may release them only as provided by law.

**5. Conflict with federal law.** In the case of any conflict between the provisions of the contract under this section and with 42 United States Code, Chapter 114 and regulations promulgated thereunder, the federal statute or regulation controls.

## SUMMARY

This bill requires in statute that the Department of Health and Human Services contract with an independent agency to provide advocacy services on a statewide basis to individuals with serious mental illness who are residing in those individuals' communities or who are hospitalized.