

MAINE STATE LEGISLATURE

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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

May 18, 1977

Honorable Louis Jalbert
House of Representatives
State House
Augusta, Maine

Re: Bangor Mental Health Institute.

Dear Representative Jalbert:

This responds to your request for an opinion relative to provision of funds for the Bangor Mental Health Institute.

The facts as background for your opinion request are as follows:

The Governor has recommended the phasing out of the Bangor Mental Health Institute. If the Bangor Mental Health Institute is phased out, no further funds will be required. The legislation relating to phasing out of the Bangor Mental Health Institute has not yet been enacted. Currently the Committee on Appropriations has under consideration the Part I budget relating to funding of current State services.

Based on these facts, you ask whether funds must be provided by the Department of Mental Health and Corrections to continue operation of the Bangor Mental Health Institute in fiscal year 1978.

We would advise that under current statutes, the Department of Mental Health and Corrections is obligated to provide funding to support continued operation of the Bangor Mental Health Institute. Specifically, the Department of Mental Health and Corrections must maintain the Bangor Mental Health Institute for emergency care and treatment of the mentally ill. As currently provided by 34 M.R.S.A. §§ 2101, 2102, and 2333 the Bangor Mental Health

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Institute must admit and provide care for all persons in need of emergency care and treatment, subject only to the availability of accommodations.

The responsibility of the Department of Mental Health and Corrections regarding funding of the Bangor Mental Health Institute was addressed by our office in three opinions dated September 10, 1976; September 20, 1976; and September 28, 1976. Copies of these opinions are attached. These opinions specify in greater detail the funding obligations of the Department of Mental Health and Corrections relating to the Bangor Mental Health Institute.

In this connection, we would note that it would not be possible to identify any specific level of funding as that absolutely necessary to meet the statutory requirements, the level of funding being a decision left to the absolute discretion of the Legislature.

I hope this information is helpful. If you need any further information, we will try to provide it.

Sincerely,

DONALD G. ALEXANDER
Deputy Attorney General

DGA/ec
Enclosures