

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 69

S. P. 12

Office of the Clerk of the House

Filed December 19, 1972 under Joint Rule 6 by Senator Hichens of York.
To be printed and delivered to the Senate of the 106th Legislature.

BERTHA W. JOHNSON, Clerk

Presented by Senator Hichens of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Placing Control of Pineland Hospital and Training Center under an Independent Board of Trustees.

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

Sec. 1. R. S., T. 34, § 1, amended. The first paragraph of section 1 of Title 34 of the Revised Statutes, as amended, is further amended to read as follows:

The Department of Mental Health and Corrections, as heretofore established, hereinafter in this Title called the "department," shall have general supervision, management and control of the research and planning, grounds, buildings and property, officers and employees, and patients and inmates of all of the following state institutions: The hospitals for the mentally ill, ~~Pineland Hospital and Training Center~~ the State Prison, the Men's Correctional Center and the Women's Correctional Center, the juvenile institutions, ~~the Governor Baxter State School for the Deaf~~ the Military and Naval Children's Home and such other charitable and correctional state institutions as may be created from time to time. All orders of commitment, medical and administrative records in the department are held to be confidential. Such records may be subpoenaed by a court of record.

Sec. 2. R. S., T. 34, § 7, amended. The first paragraph of section 7 of Title 34 of the Revised Statutes is amended to read as follows:

~~The~~ Except as otherwise provided in this Title, the department shall establish such rules and regulations not inconsistent with law as it may deem expedient for the care and management and the custody and preservation of the property of all state institutions and for the government and discipline of

the various patients and inmates of the said institutions; and for the production and distribution of farm, dairy and industrial products of the said institutions.

Sec. 3. R. S., T. 34, § 2151, amended. The 2nd paragraph of section 2151 of Title 34 of the Revised Statutes, as repealed and replaced by section 4 of chapter 350 of the public laws of 1971, is amended to read as follows:

The head of the Pineland Hospital and Training Center shall be called the superintendent. ~~The commissioner trustees shall with the advice and consent of the Advisory Committee on Mental Health~~ appoint and set the salary for the superintendent of the Pineland Hospital and Training Center. The appointment shall be for a term of 4 years and until his successor is appointed and qualified, or during the pleasure of the ~~commissioner and the Advisory Committee on Mental Health~~ trustees. The superintendent shall be a qualified psychiatrist, a qualified pediatrician, a qualified hospital administrator, a licensed psychologist, or a person with a master's degree in social work, public administration or public health. In making the appointment, the ~~commissioner and the advisory committee~~ trustees shall give due consideration to the appointee's qualifications and experience in health matters. The superintendent, ~~under the direction of the trustees,~~ shall be responsible for the training, education, treatment and care of all persons received into the Pineland Hospital and Training Center. ~~He and~~ shall be responsible for the release of all such persons, except those placed in the Pineland Hospital and Training Center under Title 15, sections 101 or 103. He shall have direct supervision, management and control of the grounds, buildings and property and officers and employees of the Pineland Hospital and Training Center, subject to the approval of the ~~department~~ trustees.

Sec. 4. R. S., T. 34, § 2151-A, additional. Title 34 of the Revised Statutes is amended by adding a new section 2151-A to read as follows:

§ 2151-A Trustees

The Board of Trustees of the Pineland Hospital and Training Center shall consist of 10 persons plus the Commissioner of Mental Health & Corrections, who shall serve as a voting member ex officio. The 10 members shall be appointed by the Governor with the advice and consent of the Council for 5-year terms. Initially, the 10 members shall be appointed as follows: Two for 5 years; 2 for 4 years; 2 for 3 years; 2 for 2 years; and 2 for one year. Subsequent appointments shall be for full 5-year terms. Trustees may serve for not more than 10 years and shall retire upon reaching the age of 65. Any vacancies shall be filled by the Governor with the advice and consent of the Council for the unexpired balance of the term. Trustees shall serve without pay, but shall receive their actual traveling and other expenses incurred in the performance of their official duties. The terms of office of the trustees appointed under this section shall commence 30 days after the effective date of this Act.

Three of the trustees shall be parents of living retarded children and the remaining 7 shall be individuals with knowledge and experience in one or

more of the following fields: Hospital administration, psychology, psychiatry, law, accounting, social work, education, business.

The trustees, subject to the Legislature, shall have responsibility and control over the management of the Pineland Hospital and Training Center and in consultation with the Commissioner of Mental Health & Corrections shall be the governing and planning body of the Pineland Hospital and Training Center and, in addition, shall have responsibility for preparing and approving the operating and capital budgets of the Pineland Hospital and Training Center and presenting them in accordance with the direction in Title 5, section 1665.

The trustees, with respect to all persons committed to or admitted into Pineland Hospital and Training Center, shall have the same powers and duties as are delegated to the department with respect to persons committed to or admitted into the state hospitals for the mentally ill or the Regional Care Facility for the Severely Mentally Retarded at Bangor.

The trustees shall elect from their members a chairman and such other officers as they shall deem appropriate, and shall hold meetings at Pineland Hospital and Training Center at least quarterly.

Sec. 5. R. S., T. 34, § 2152, sub-§ 1, ¶ C, amended. The 2nd sentence of paragraph C of subsection 1 of section 2152 of Title 34 of the Revised Statutes, as enacted by section 2 of chapter 349 of the public laws of 1969, is amended to read as follows:

Placement of persons admitted to the Pineland Hospital and Training Center under this paragraph shall be subject to rules adopted by the ~~Superintendent~~ trustees of the Pineland Hospital and Training Center.

Sec. 6. R. S., T. 34, § 2511, amended. The first sentence of section 2511 of Title 34 of the Revised Statutes, as repealed and replaced by section 1 of chapter 62 of the public laws of 1971, is amended to read as follows:

The department shall establish charges for care and treatment of patients at the Augusta State Hospital, Bangor State Hospital ~~Pineland Hospital and Training Center~~ and the Regional Care Facility for the Severely Mentally Retarded at Bangor.

Sec. 7. Appropriation. There is appropriated from the General Fund the sum of \$8,750 to carry out the purposes of this Act. The breakdown shall be as follows:

	1973-74	1974-75
Trustees of the Pineland Hospital and Training Center		
All Other	\$3,750	\$5,000

STATEMENT OF FACT

Sections 4 and 5 of the bill take the management and responsibility for Pineland Hospital and Training Center out of the present total control of the

Department of Mental Health and Corrections and place these functions under an independent board of trustees, appointed by the Governor. The other sections of the bill are mechanical in nature, to make the various sections of Title 34 reflect the proposed change. Pineland would continue, by operation of these and other sections of existing law, to operate within the framework of the Department of Mental Health and Corrections.

The 11-member board of trustees would consist of the commissioner of the department, 3 parents of Pineland patients, and 7 others having skills and experience in fields relevant to Pineland Hospital and Training Center. An independent board of trustees would bring to bear a greater sensitivity, a broader range of skill and experience, and a more accurate reflection of the needs and responsibilities which an institution such as Pineland should carry for the citizens of Maine.