

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

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Legislative Document

No. 627

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H. P. 483

House of Representatives, February 1, 1973

Referred to Committee on State Government. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Birt of East Millinocket.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

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**AN ACT Amending the Laws Relating to Community Mental Health Service.**

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

**Sec. 1.** R. S., T. 5, § 2301, sub-§ 1, amended. Subsection 1 of section 2301 of Title 5 of the Revised Statutes, as amended, is further amended by inserting before the 14th paragraph from the end, the following paragraph.

The Department of Mental Health and Corrections, but only as that department controls and supervises the licensing of agencies for the provision of mental health services under Title 34, section 2052-A.

**Sec. 2.** R. S., T. 34, § 2052, repealed and replaced. Section 2052 of Title 34 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 2052. Powers

The Department of Mental Health and Corrections may provide mental health services throughout the State, and for that purpose may cooperate with other state agencies, municipalities, persons, unincorporated associations and nonstock corporations. The department shall adopt and promulgate rules, regulations and standards relating to the administration of the services authorized by this chapter and to licensing under this chapter. Under this chapter, funds may be granted by the department only to those applicants whose programs provide for adequate standards of professional service. The department may receive and use for the purpose of this chapter money appropriated by the State and grants by the United States Government, gifts from individuals and from any other sources.

Any state department, municipality, other governmental unit or any branch thereof, or any composite thereof, through its authorized representative or governing body approved by the department, may adopt and conduct a program of mental health services established or approved by the department.

The department may make grants of funds to any entity described in this section applying therefor to be used in the conduct of its mental health services.

Sec. 3. R. S., T. 34, § 2052-A, additional. Title 34 of the Revised Statutes is amended by adding a new section 2052-A, to read as follows:

§ 2052-A. Licensing

On and after July 1, 1974, no person, firm, association or corporation shall operate, conduct or maintain in the State any facility for the provision of mental health services, not otherwise licensed as a hospital or medical care facility, without having in full force, subject to the rules and regulations of the department, a written license therefor from the department. The term of such license shall be for one year and the license may be suspended or revoked for just cause. The annual fee for such license shall be \$25. When any such agency, upon inspection by the department, shall be found not to meet all requirements of this section and departmental regulations thereunder, then the department is authorized to issue either a temporary license for a specified period not to exceed 90 days, during which time corrections specified by the department shall be made by said facility for compliance with this section and departmental regulations thereunder, if in the judgment of the commissioner the best interest of the public will be so served, or a conditional license setting forth conditions which must be met by the agency to the satisfaction of the department or the department may refuse to issue any license. Failure of said agency to meet any of such conditions shall immediately void such conditional license by written notice thereof by the department to the conditional licensee or if the said licensee cannot be reached for personal service by notice thereof left at the licensed premises. The fee for such temporary or conditional license for agencies shall be \$10. A new application for a regular license may be considered by the department if, when and after the conditions set forth by the department at the time of issuance of such temporary or conditional license have been met and satisfactory evidence of this fact has been furnished to the department. When the department believes a license should be suspended or revoked it shall file a statement or complaint with the Administrative Hearing Commissioner designated in Title 5, chapters 301 to 307. A person aggrieved by the refusal of the department to issue a license may file a statement or complaint with said Administrative Hearing Commissioner.

The term "agency for the provision of mental health services" as used in this section shall mean any agency maintained and operated by any person, firm, association or corporation for the purpose of providing out-patient counselling and other psychological and psychiatric, diagnostic or therapeutic services and other allied services. The term "agency for the provision of mental health services" shall not mean the individual or corporate profes-

sional practice of any one or more psychologists or any one or more psychiatrists.

Whoever violates this section shall be punished by a fine of not more than \$500 or by imprisonment for not more than 60 days.

Sec. 4. R. S., T. 34, §§ 2053, 2054, 2055, 2056, repealed. Sections 2053, 2054, 2055 and 2056 of Title 34 of the Revised Statutes, as amended, are repealed.

#### STATEMENT OF FACT

Section 2055 establishes 2 different limits on the level of state financial assistance to community mental health programs and section 2056 excludes fees from consideration as local income. Both of these provisions of the Grant-in-Aid law are administrative details which are at variance with the federal program which provides the bulk of community mental health center funding. The department wishes to bring its statutes into consistency with the federal regulations and wishes to have flexibility that will promote the greatest opportunity for receiving federal financial assistance. The exclusion of fees from local income is not a federal statute and, in a sense, encourages community mental health services to reduce the effort to collect fees for services rendered and to depend more on state financial assistance. The department would like to encourage communities to set up an adequate fee for service based on ability to pay for the support of the local services and the removal of section 2056 would promote this goal. Section 2052 is repealed and replaced consolidating therein the substance of section 2053 and 2054 improving the language thereof and broadening it to permit the department to give grants to other state agencies or departments since very often those other departments are carrying on important mental health functions or may be able to utilize grant money to increase the federal share which they are able to give to community agencies.

By removing certain of the administrative restrictions, the department would be able to pool all income sources into a single account and bring it under the accountability procedures now applicable only to that portion of budgeted state funds in community mental health services which is some \$211,900 while grants from the department total approximately \$1,000,000. The department thinks that the accountability should be applied to all these funds.

Section 2052-A is added to become operative July 1, 1974 providing licensing of agencies for the mental health services in order to assure compliance with adequate standards throughout the State in the mental health services and in order to assure maintenance of a high level of mental health care throughout the State.