

MAINE STATE LEGISLATURE

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STATE OF MAINE

HOUSE OF REPRESENTATIVES

107TH LEGISLATURE

(Filing No. H-628)

COMMITTEE AMENDMENT "A" to H.P. 541, L.D. 657, Bill, "AN ACT Transferring the Institutional Resident Advocate Program of the Department of Mental Health and Corrections to the Human Rights Commission."

Amend said Bill by striking out the Title and inserting in place thereof "AN ACT Establishing an Office of Advocacy for the Department of Mental Health and Corrections."

Further amend said Bill by striking everything after the enacting clause and inserting in place thereof the following:

§4 MRSA §1-A is enacted to read:

§1-A. Office of Advocacy

The Office of Advocacy is established within the department to investigate the claims and grievances of clients of the department, and to advocate for compliance by any institution, other facility or agency administered by the department with all laws, administrative rules and regulations and institutional and other policies relating to the rights and dignity of these clients. For the purposes of this section, the word "client" shall mean any person who is under the care, supervision or custody of any institution, facility or agency administered by the department or who is under the public guardianship of the Bureau of Mental Retardation.

A chief advocate, who shall report only to the commissioner, shall direct and coordinate the program of the office and shall, with the approval of the commissioner, select other advocates needed to carry out the intent of this section, who shall report only to the chief advocate. Both the chief advocate and all other advocates shall be classified state employees.

In order to carry out its duties, this office shall have access to the files, records and personnel of any institution, facility or agency administered by the department. Such access shall be limited only by provisions under the law.

The functions of this office shall include, but not be limited to, the following:

1. Grievance-response mechanism. This office shall receive or refer complaints made by clients of the department; intercede on behalf of these clients with officials of the institutions, facilities and agencies administered by the department; or assist these clients in the initiation of grievance proceedings which shall be established by the department. The office may, in its discretion, refuse to take action on any complaint which it deems to be trivial or moot or for which there is clearly another remedy available.

2. Information source regarding clients' rights. As an information source regarding the rights of all clients, this office shall keep itself informed about all laws, administrative rules and regulations and institutional and other policies relating to the rights and dignity of these clients and about relevant legal decisions and other developments related to the fields of mental health, mental retardation and corrections, both in this state and in other parts of the country.

3. Reporting function. The office shall make and publish reports necessary to the performance of the functions under this section. Only the chief advocate may report any findings of the office to groups outside the department, such as legislative bodies, advisory committees to the Governor, boards of visitors, law enforcement agencies and the press.

Any client request for action by this office and all written records or accounts related to such request shall be confidential as to the identity of the client. Such records and accounts shall be released only as provided by law .'

Statement of Fact

The purpose of this amendment is to establish statutorily the existing institutional resident advocate program of the Department of Mental Health and Corrections. The amendment changes the original bill by transferring the program from the Human Rights Commission back to the Department.

Reported by the Committee on Health and Institutional Services.

Reproduced and distributed under the direction of the Clerk of the House.
6/4/75

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