

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
107TH LEGISLATURE

(Filing No. H-652)

HOUSE AMENDMENT "B" to H.P. 1219, L.D. 1807, Bill,  
"AN ACT to Provide Minimum Standards for the Protection of the  
Rights of Residents of Public Institutions."

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

'34 MRSA c. 2 is enacted to read:

CHAPTER 2

RIGHTS OF RESIDENTS OF PUBLIC INSTITUTIONS

§21. Definitions

1. Public institution. "Public institution" means  
any mental health institution or facility, institution or facility  
for the mentally retarded, any penal, correctional or juvenile  
institution or facility, county jail or other institution or facility  
administered under or regulated by this Title.

2. Resident. "Resident" means any person committed  
or otherwise legally admitted to or any person sentenced, or  
temporarily detained at a public institution, either voluntarily  
or involuntarily.

§22. Declaration of purpose and intent

This chapter shall be liberally construed to promote the intent  
of the Legislature as follows:

1. Rights of ordinary citizen. The central principle  
underlying all rules, regulations, procedures and practices relating  
to residents of public institutions shall be that such persons  
shall retain all rights of an ordinary citizen, except those

expressly or by necessary implication taken from them by law.

§23. Policies, procedures and practices

The department shall promulgate a "bill of rights and responsibilities" for residents of each of the public institutions and facilities under its aegis. Said document shall be posted conspicuously in each institution and facility as well as given to each new resident upon admission.

1. Contents. The "bill of rights and responsibilities" shall include but not be limited to the following:

- A. Humane care and treatment;
- B. Freedom from physical or psychological abuse;
- C. Nutritious food in adequate quantities;
- D. Adequate professional medical and psychological treatment;
- E. Acceptable level of sanitation, ventilation and light;
- F. Freedom from use of corporal punishment;
- G. Freedom from discriminatory treatment based upon race, religion, nationality, sex or political beliefs; and
- H. Right to visit limited only by reasonable requirements of mental condition or institutional security.

2. Rules and regulations. The department shall develop and publish rules and regulations to insure <sup>that</sup> the rights of individuals are protected. Said regulations shall include but not be limited to the following:

- A. Disciplinary procedures;
- B. Seclusion procedures; and
- C. Procedures to insure opportunity for physical exercise and recreational activities.

§24. Grievance procedure

The commissioner shall establish a formal grievance procedure  
which all residents shall have access. Residents shall be  
entitled to report any grievance whether or not it charges a violation  
of this chapter and to mail such communication to the commissioner.  
The grievance procedure shall provide for an investigation by the  
Office of Advocacy, aside from any investigation made by the  
, and for a written report of findings, to be submitted by the departmen  
institution or department/ and the resident within a reasonable  
time. For the purpose of this chapter, a reasonable  
time will be construed to mean not more than 10 days.

§25. Willful denial of rights; penalty

Any person found to have willfully or maliciously violated  
this chapter shall be punished by a fine of not <sup>more than</sup> / \$1,000 for  
each offense or <sup>by</sup> / <sup>more than</sup> ~~not~~ / 5 years, or by both.'

Statement of Fact

This amendment provides protection for residents but still gives the Department of Mental Health and Corrections enough latitude to ensure flexible treatment of those residents.

Filed by Mr. Connors of Franklin.

Reproduced and distributed under the direction of the Clerk of the House.  
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