

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
107TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 2069, L.D. 2239, Bill,
"AN ACT Providing for Evaluations of Mentally Retarded Persons
Residing In Community Residential Facilities."

Amend said Bill by striking out the title and inserting
in place thereof the following: 'AN ACT Providing for Protective
and Supportive Services for Mentally Retarded Persons'

Further amend said Bill by striking out everything after
section 2 and before the statement of fact and inserting in
place thereof the following:

'Sec. 3. 34 MRSA §§2065-2069 are enacted to read:

§2065. Legislative purpose

The purpose of sections 2065 to 2069 is to provide
protective and supportive services to those persons who are
incapacitated by reason of mental retardation and who, with
some assistance, are capable of living and functioning in so-
ciety.

§2066. Definitions

As used in sections 2065 to 2069, unless the context
indicates otherwise, the following terms shall have the follow-
ing meanings.

1. Incapacitated person. The term "incapacitated person"
means any person who is impaired by reason of mental retar-

dation to the extent that he lacks sufficient understanding or capacity to make, communicate or implement responsible decisions concerning his person or property.

2. Protective services. The term "protective services" means services the object of which is to protect an incapacitated person from himself and from others. These services shall consist of evaluation of the need for service and mobilization on the person's behalf of appropriate existing services. These services shall include, but need not be limited to, arrangements for appropriate living quarters, obtaining financial benefits to which the person is entitled, securing medical services, supplies and legal services. In those situations where exploitation, prevention of injury, protection of the person and his property and serving the necessities or amenities of life are at issue, these protective services shall include seeking the appointment of a public or private guardian for the incapacitated person.

3. Supportive services. The term "supportive services" means services the objective of which is to make it possible for an incapacitated person to become rehabilitated or self-sufficient to the maximum extent possible. These supportive services shall include, but need not be limited to, counseling, transportation, assistance in obtaining adequate housing, medical and psychiatric care and nutritional services.

4. Ward. The term "ward" means a person for whom the bureau has been duly appointed guardian pursuant to Title 18, chapter 501, subchapter III-A.

§2067. Responsibility and role of bureau

1. Responsibility. The bureau is authorized to respond to complaints concerning and requests for assistance from or on behalf of all incapacitated persons. Services provided by the bureau shall be protective or supportive in nature.

2. Role. The role of the bureau shall be primarily that of supervision and coordination.

3. Acquiescence and consultation. With the exception of seeking the appointment of a guardian, protective or supportive services shall be initiated only:

A. With the acquiescence of the incapacitated person; and

B. After consultation, insofar as possible, with the family or the guardian of the incapacitated person.

§2068. Payment for services

The bureau may pay for protective and supportive services to incapacitated persons from its own resources by mobilizing available community resources or by purchase of services from voluntary or state agencies.

To the extent that assets are available to incapacitated persons or wards, the cost of services shall be borne by the estate of persons receiving the services.

§2069. Rules

1. Rules promulgated. The bureau shall promulgate rules for the administration of sections 2065 to 2068.
2. Public hearing. The bureau shall hold a public hearing prior to adopting these rules. Notice of the public hearing shall be published once, within 14 to 30 days before the hearing, in the state paper and in other newspapers or journals of general circulation adequate to provide reasonable notice to the public affected thereby.
3. Rules amended or repealed. Rules may be amended or repealed at any time by the bureau after like notice and hearing of the portions amended or repealed.

Statement of Fact

The primary purpose of both this amendment and the bill submitted by the Committee on Health and Institutional Services is to authorize the Bureau of Mental Retardation to provide protective and supportive services to retarded persons in the community.

The primary difference between the amendment and the bill is that the amendment uses language which closely parallels that used in Title 22, chapter 958, which requires the Department of Human Services to provide protective and supportive services to all incapacitated persons.

This amendment has no price tag. Services will be funded by existing resources in the ~~Bureau~~, available community resources, purchase of services from voluntary or state agencies and, to the extent possible, by the person receiving the services.

Reported by the Committee on Health and Institutional Services.

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

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