

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 2239

H. P. 2069

House of Representatives, February 24, 1976

Reported by Mr. Goodwin from the Committee on Health and Institutional Services, pursuant to H. P. 1724 and printed under Joint Rules No. 3.

EDWIN H. PERT, Clerk

Filed under Joint Rule 3, pursuant to H. P. 1724.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SIX

AN ACT Providing for Evaluations of Mentally Retarded Persons Residing
In Community Residential Facilities.

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

Sec. 1. 34 MRSA § 2061, as enacted by P.L. 1967, c. 535, § 1, is repealed and the following enacted in place thereof:

§ 2061. Bureau of Mental Retardation

There is established within the Department of Mental Health and Corrections a Bureau of Mental Retardation which shall be responsible for:

1. Institutions. The direction of mental retardation programs in the institutions of the department;

2. Community based services. Ensuring that mentally retarded persons residing in any community residential facility including nursing homes, boarding homes, foster homes, group homes or halfway houses licensed by the Department of Human Services are provided with, insofar as possible, residential accommodations and access to habilitative services appropriate to their needs;

3. State-wide system. The planning, promotion, coordination and development of a complete and integrated state-wide system of mental retardation services; and

4. Liaison. Serving as liaison, coordinator and consultant to the several state departments in order to develop the state-wide system of mental retardation services.

Sec. 2. 34 MRSA § 2062, as enacted by P.L. 1967, c. 535, § 1, is repealed and the following enacted in place thereof:

§ 2062. Director of Mental Retardation

1. Appointment; qualifications. The commissioner shall appoint, subject to the Personnel Law, a Director of Mental Retardation who shall be a qualified specialist in the field of mental retardation with administrative and organizational experience and ability.

2. Duties. The director shall carry out duties assigned to him by the commissioner in accordance with the responsibilities of the Bureau of Mental Retardation as provided in section 2061.

Sec. 3. 34 MRSA § 2062-A is enacted to read:

§ 2062-A. Evaluation of mentally retarded persons residing in community residential facilities

1. Evaluation. To carry out the responsibilities set forth in section 2061, subsection 2, the Director of Mental Retardation, hereinafter referred to in this section as the "director," may evaluate any mentally retarded person who resides in a community residential facility to determine the appropriateness of his placement in that facility.

2. Standards for evaluation. The director shall establish standards which provide that the evaluation include, but not be limited to, consideration of the mentally retarded person's needs with respect to physical environment, daily care, nutrition, medical and dental care, personal finances, educational, vocational, religious and social training and social relationships.

3. Habilitative plan. An habilitative plan shall be developed, implemented and revised when necessary for each mentally retarded person who has been evaluated. The plan shall specify the activities, programs, services and care which are essential for the habilitation of the mentally retarded person and shall further specify where and by whom these activities, programs and care should be provided.

The director shall ensure, to the extent possible, that the mentally retarded person, the guardian, conservator or other representative of the retarded person and the owner or his designee of the community residential facility are involved in developing, implementing and revising the habilitative plan.

4. Transfer of mentally retarded persons. Whenever any community residential facility does not adequately assist in the development, implementation and revision of an habilitative plan for any mentally retarded person residing in the facility, the director may transfer the retarded person to another community residential facility or a state institution, provided that the transfer appears to be in the best interest of the retarded person. A transfer shall occur only after the director has given notice to and consulted with the mentally retarded person, insofar as possible, the family or guardian of the retarded person, if any, and the owner or his designee of the community residential facility.

STATEMENT OF FACT

The purpose of this Act is to help ensure that mentally retarded persons who reside in community residential facilities receive appropriate care and services. To accomplish this purpose, the Director of the Bureau of Mental Retardation, Department of Mental Health and Corrections, is directed to provide evaluations of and to develop habilitative plans for these mentally retarded persons.

This Act is based on the findings of the Committee on Health and Institutional Services with respect to H. P. 1724, a study of mental retardation services in Maine.