

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 357

H. P. 301

House of Representatives, February 9, 1977

Referred to Committee on State Government. Sent up for concurrence and 1,800 ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Brown of Bethel.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Creating a Mental Health Advisory Council.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Federal Department of Health, Education and Welfare requires that the present Maine Interim Mental Health Advisory Council be given formal legislative or executive stature by April 1, 1977; and

Whereas, subsequent action to release or approve the expenditure of federal funds for mental health services in Maine will be jeopardized if such legislative or executive mandate is not effective on or before April 1, 1977; and

Whereas, federal regulations require that the membership of the State Mental Health Advisory Council be representative of both those who understand the need for services and those who are responsible for program implementation, and of the social, economic, linguistic and racial groups residing in the State, as well as its geographic areas; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

34 MRSA § 2003 is repealed and the following enacted in its place:

§ 2003. **Mental Health Advisory Council; membership; duties**

The Governor, with the advice of the Commissioner of Mental Health and

Corrections, shall establish a Mental Health Advisory Council and appoint its membership. The membership shall include representatives of consumers of mental health services, including clients and their families, providers of such services; and those who are concerned with the planning, operation, or use of such services and facilities who are representatives of nongovernment organizations or groups; and representatives of agencies of State Government.

A majority, but no more than 60% of the members, shall be neither direct nor indirect providers of mental health services, and no less than 40% shall be direct or indirect services providers. Consumers who are identified as nonprovider members of community mental health center boards may be considered as nonproviders for the purpose of serving on the Mental Health Advisory Council. The nonprovider consumer class of membership shall include, where possible, but not be limited to, persons who have been beneficiaries of the services of a public mental hospital or community mental health center, as well as representatives of patient organizations and patient advocacy groups. The provider class of membership shall include persons from both governmental and nongovernmental mental health service agencies. Both provider and consumer members shall be representative of the social, economic, linguistic and racial groups residing in the State, as well as its geographic areas.

Members shall be appointed for a term of 3 years, except that of the members first appointed, $\frac{1}{3}$ shall be appointed for a term of 3 years, $\frac{1}{3}$ shall be appointed for a term of 2 years and $\frac{1}{3}$ shall be appointed for a term of one year, as designated by the Governor at the time of appointment; except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Any vacancy in the council shall not affect its powers, but shall be filled in the same manner by which the original appointment was made. The membership shall elect a chairman.

The duties of the Mental Health Advisory Council shall include, but not necessarily be limited to, acting in an advisory capacity to the commissioner in the development and administration of the state mental health plan. The council shall meet at least quarterly.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

It is the intent of this bill to abolish the present Advisory Committee on Mental Health and to replace it with a Mental Health Advisory Council, the composition of which meets the requirements of federal legislation. This council will be more representative of both those who understand the need for mental health services and those who are responsible for program implementation, as well as the social, economic, linguistic and racial groups residing in the State and its geographic areas. The establishment of a council in compliance with the federal legislation is necessary by April 1, 1977 so as not to jeopardize the release or approval of federal funds for mental health services in Maine.