

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 413

H. P. 322

House of Representatives, February 10, 1977

On motion of Mr. Goodwin of South Berwick, referred to Committee on Health and Institutional Services. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Kane of Augusta.

Cosponsor: Mrs. Kany of Waterville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Expand Protective Services to Mentally Retarded Individuals.

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

Whereas, a recent Attorney General's opinion has noted that the Department of Mental Health and Corrections currently does not have the right to serve in the capacity of representative payee for mentally retarded individuals in the community; and

Whereas, there are at least 500 mentally retarded individuals in communities of the State who could benefit from this service; and

Whereas, the Department of Mental Health and Corrections has had difficulty locating individuals in the several communities of the State to serve as representative payee; 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 § 2066, sub-§ 2, as enacted by PL 1975, c. 747, § 3, is amended by inserting after the 2nd sentence the following:

The Department of Mental Health and Corrections, through the Bureau of Mental Retardation and its other agents, is authorized to receive as payee any benefits from social security, veterans administration, railroad retirement or any other like benefits paid on behalf of any mentally retarded individual, and shall apply such benefits toward the care and treatment of any such mentally retarded individual.

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

STATEMENT OF FACT

This bill would enable the Department of Mental Health and Corrections to act as representative payee for any and all mentally retarded individuals, whether or not institutionalized, who are in need of such protective service. It has been difficult for the department to find individuals in the community who are willing to serve in such a capacity, and it is a necessary service to assist mentally retarded individuals in managing their income and in utilizing such funds in such individuals' best interests. A recent Attorney General's opinion has noted that the department does not currently have the right to act in such a capacity. This bill would bestow that right on the Department of Mental Health and Corrections and would serve to provide more adequate and less restrictive protection for at least 500 mentally retarded individuals.