

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1330

S. P. 385

In Senate, March 31, 1977

Referred to Committee on Health and Institutional Services. Sent down for concurrence and 2,000 ordered printed.

MAY M. ROSS, Secretary

Presented by Senator Lovell of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Pertaining to Hospitals for the Mentally Ill.

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

Sec. 1. 5 MRSA § 711, sub-§ 11, as last repealed and replaced by PL 1975, c. 777, § 7, is repealed and the following enacted in its place:

11. **Officials of the Department of Mental Health and Corrections.** The associate commissioners, the directors of Mental Health, of Mental Retardation and of Corrections, the Warden of the State Prison, the superintendents of the Maine Mental Health Institute and of the Pineland Center, and the chief administrator of any mental health programs of the Maine Mental Health Institute provided on the site of the institution formerly known as the Bangor Mental Health Institute;

Sec. 2. 15 MRSA § 101, 1st ¶, 2nd sentence, as last amended by P & SL 1973, c. 53, is further amended to read:

The examination may be conducted at the ~~Augusta Mental Health Institute, Bangor Mental Health Institute~~ Maine Mental Health Institute, Pineland Center or at a mental health clinic of, or recommended by, the Department of Mental Health and Corrections, and when conducted at any such facility shall be the responsibility of a psychiatrist or of a licensed psychologist, who may join with him in such examination other psychiatrists or clinical psychologists, as in his opinion are required.

Sec. 3. 15 MRSA § 101, 2nd ¶, as last amended by PL 1975, c. 718, § 1, is further amended by inserting after the first sentence the following new sentence:

The court may order that observations, interviews and investigative reports regarding the behavior of the respondent made by law enforcement officials be made available to the designated psychiatrist or licensed psychologist for the limited purpose of this examination.

Sec. 4. 15 MRSA § 105, 1st ¶, as amended by P & SL 1973, c. 53, is further amended to read:

The Commissioner of Mental Health and Corrections may, in cases deemed appropriate by him, upon request of the Judge of the United States District Court for the District of Maine, authorize the superintendent of the ~~Augusta Mental Health Institute, Bangor Mental Health Institute~~ **Maine Mental Health Institute** or Pineland Center, whichever institution is suited to the particular case, to receive for observation persons committed by the Judge of the United States District Court for the District of Maine under Title 18, U.S.C., § 4244; provided that in each case a court-ordered preliminary examination shall have indicated the apparent need for further observation.

Sec. 5. 15 MRSA § 2211-A, 2nd ¶, 1st sentence, as repealed and replaced by PL 1969, c. 403, § 1, is amended to read:

Any such person with respect to whom such application and certification are made may be admitted to ~~either state hospital for the mentally ill the~~ **Maine Mental Health Institute.**

Sec. 6. 15 MRSA § 2611, sub-§ 4, ¶ G, as repealed and replaced by PL 1975, c. 538, § 6, is amended to read:

G. Dismiss the action and refer the juvenile to the Department of Mental Health and Corrections which, through its Bureau of Mental Health or Bureau of Mental Retardation, shall cause the provision of services needed by the juvenile to every extent possible, including, but not limited to, causing application to be made for admission of the juvenile to the ~~Augusta Mental Health Institute or to the Bangor Mental Health Institute~~ **Maine Mental Health Institute** pursuant to Title 34, chapter 191, if the juvenile is alleged to be a mentally ill individual or to the Pineland Center under Title 34, section 2152, if the juvenile is alleged to be mentally retarded, provided that the court has received a report as provided in section 2503 that the juvenile is mentally ill or mentally retarded;

Sec. 7. 16 MRSA § 604, sub-§ 1, ¶ G, as enacted by PL 1975, c. 763, § 3, is amended by adding at the end the following:

This includes, but is not limited to, a psychiatrist or licensed psychologist appointed by the Commissioner of Mental Health and Corrections under Title 15, section 101, to determine the mental condition of that accused person.

Sec. 8. 22 MRSA § 2883, 1st ¶, 3rd sentence, as amended by P & SL 1973, c. 53, is further amended to read:

The superintendents and medical staffs of the ~~Augusta Mental Health Institute, the Bangor Mental Health Institute~~ **Maine Mental Health Institute** and Pineland Center, having charge or control over dead human bodies required to be buried at public expense, when no person satisfies the superintendent

of ~~either hospital for the mentally ill~~ the **Maine Mental Health Institute** or the Pineland Center, and the Department of Mental Health and Corrections that he or she is a member of the family of, or some family connection or next of kin to the deceased, and wishes to claim the body for burial, may for the advancement of science hold an autopsy and examine the body of such person, notwithstanding any provisions of this chapter.

Sec. 9. 34 MRSA § 1, as last amended by PL 1975, c. 777, § 11, is further amended by adding at the end the following new paragraph:

The commissioner is authorized to utilize the campus and buildings of the institution formerly known as the **Bangor Mental Health Institute in Bangor** for any purpose as may be necessary to carry out any of the statutory functions of the department.

Sec. 10. 34 MRSA § 2101, as amended by P & SL 1973, c. 53, is repealed and the following enacted in its place:

§ 2101. Maintenance; location

The State shall maintain a hospital for the mentally ill at **Augusta** called the **Maine Mental Health Institute**.

The campus of the institution formerly known as the **Bangor Mental Health Institute in Bangor** may be utilized by the **Maine Mental Health Institute**, with the approval of the commissioner and the Governor, for the provision of services to the mentally ill.

Sec. 11. 34 MRSA § 2102, first sentence, as repealed and replaced by PL 1971, c. 350, § 3, is repealed and the following enacted in its place:

The head of the hospital shall be called the superintendent.

Sec. 12. 34 MRSA § 2102, as last amended by PL 1973, c. 326, § 1, is further amended by adding at the end the following new paragraph:

The Superintendent of the **Maine Mental Health Institute** shall, with the consent of the commissioner, appoint and set the salary for a chief administrator for any mental health programs being operated at the site of the institution formerly known as the **Bangor Mental Health Institute in Bangor**. The chief administrator shall be a person with training and experience in the planning and administration of mental health programs or work of a comparable nature. The chief administrator shall have responsibility for the day to day operation of such programs and shall report to the Superintendent of the **Maine Mental Health Institute**.

Sec. 13. 34 MRSA § 2103, is amended to read :

§ 2103. Rules and regulations

The superintendent of ~~each~~ the hospital shall keep posted, in conspicuous places about the hospital under his charge, printed cards containing the rules and regulations prescribed for the government of employees or shall furnish employees with printed rules and regulations.

Sec. 14. Transitional provision. Notwithstanding any other provision of law, all accrued expenditures, assets, liabilities, balances of appropriations, transfers, revenues or other available funds in any account, or subdivision of any account, belonging to or intended for the institution heretofore known as the Augusta Mental Health Institute shall be used for the Maine Mental Health Institute on the effective date of this Act.

Notwithstanding any other provisions of law, all accrued expenditures, assets, liabilities, balances of appropriations, transfers, revenues or other available funds in any account, or subdivision of any account, belonging to or intended for the institution heretofore known as the Bangor Mental Health Institute shall be transferred to the Department of Mental Health and Corrections on June 30, 1978.

Sec. 15. Employee status. On the effective date of this Act, all personnel employed within the organizational unit formerly known as the Bangor Mental Health Institute shall be considered to be in layoff status as if such layoff had been effected in accordance with the Personnel Law and Rules; however, such layoff shall not affect any personnel designated by the Commissioner of Mental Health and Corrections to be necessary to remain in service at the institution heretofore known as the Bangor Mental Health Institute during the transitional period provided in section 16. Funding for such positions and transitional services shall be from funds appropriated for the Bangor Mental Health Institute. During the transitional period, employees remaining in service at the institution formerly known as the Bangor Mental Health Institute may apply for and be appointed to positions at the Maine Mental Health Institute. The number of permanent positions authorized for the institutions formerly known as the Bangor Mental Health Institute and the Augusta Mental Health Institute shall represent the total number of permanent positions authorized at any one time at the Maine Mental Health Institute.

All personnel employed at the institution heretofore known as the Bangor Mental Health Institute shall have preference under the Personnel Law and Rules over all other applicants for positions at the Maine Mental Health Institute for a period of 90 days from the effective date of their actual layoff, providing such preference shall only attach to those applicants who are otherwise qualified for the position for which such application has been made. In addition, upon appointment within 90 days, days for purposes of the retirement system, as specified in Title 5, chapter 101, benefits shall be computed as if there had been no break in state service. In the event any such personnel are appointed from layoff status to positions at the Maine Mental Health Institute within 3 years of the effective date of their actual layoff, all seniority accrued by such personnel with the organizational unit formerly known as the Bangor Mental Health Institute shall be retained by such personnel in their new organizational unit.

Notwithstanding any special preference afforded by this section to personnel of the institution heretofore known as the Bangor Mental Health Institute, such employees shall maintain all rights and privileges under the Personnel Laws and Rules not inconsistent with this Act.

The superintendent of the institution heretofore known as the Augusta Mental Health Institute shall be considered the superintendent of the Maine Mental Health Institute upon the effective date of this Act.

All provisions of this Act which affect the seniority and reemployment rights of employees shall apply equally to classified and unclassified employees.

Sec. 16. Transfer of services and functions. The transfer of services and functions of the Bangor Mental Health Institute to the Maine Mental Health Institute shall be completed no later than June 30, 1978. Until such date, admissions and commitments to the facility heretofore known as the Bangor Mental Health Institute may continue in accordance with applicable provisions of law, and such admissions and commitments shall be considered to be to the Maine Mental Health Institute.

Sec. 17. Mental health services plan. Prior to January 15, 1978, the commissioner shall present to the Legislature a mental health services plan which shall include, but not be limited to, the following:

1. A reassessment of the need for additional state supported mental health services, including, but not limited to, mental health institutes;

2. The requirements for the completion of facilities at the Maine Mental Health Institute at Augusta and at Bangor;

3. A budget report including actual and estimated amounts of all revenues available to the Maine Mental Health Institute, by sources for the current and next fiscal year; actual and estimated amounts of expenditures, shown by object of expenditure and by program; a list of programs and the objectives of each and a description and evaluation of activities to attain such objectives, including the number of clients served; the name and address of any contractor and subcontractor, or for contracts not yet entered into, a description of the nature of the contractor's or subcontractor's business and the services to be provided may be substituted, if the names and addresses are not known; and a description of the terms of any contract, including a description of services to be provided, indicating when they are to be performed, and to whom the final product or services have been or will be provided; and a listing of the total amount to be paid under any contract, and the times and conditions of payment;

4. An implementation schedule based on any recommendations relating to subsections 1, 2 and 3;

5. Recommendations relating to the state's role in supporting mental health services provided by other agencies, both public and private, including, but not limited to, community mental health centers; and

6. An evaluation of current mental health services supported in whole or in part by state funds.

STATEMENT OF FACT

This legislation would enable the Department of Mental Health and Corrections to have greater flexibility in service delivery. This flexibility will allow the department to further develop, maintain and support a cohesive structure of services to clients and would consolidate the present institutions known as the Bangor Mental Health Institute and the Augusta Mental Health Institute. The legislation establishes a Maine Mental Health Institute at Augusta and allows for the provision of services to the mentally ill and other clients of the department at the Bangor campus. Legislative review of mental health services plan is mandated in this legislation. Additionally, this Act clarifies the law regarding the access to information by the psychiatrist or licensed psychologist appointed to determine the mental condition of a criminal defendant who has claimed insanity as a defense or who may be incompetent to stand trial.