

# MAINE STATE LEGISLATURE

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(Filing No. H-631)

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
108TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1473, L.D. 1735, Bill, "AN ACT to Establish a Bill of Rights for Mentally Retarded Persons."

Amend the bill in that part designated "§2142." by striking out all of subsection 2 and inserting in its place the following:

'2. Client. "Client" means any mentally retarded person receiving services from the bureau or from an agency or facility licensed or funded to provide services to mentally retarded persons, except those presently serving sentences for crime.'

Further amend the bill in that part designated "§2142." in subsection 5 in the 2nd line (same in L.D.) by striking out the underlined words "in writing"

Further amend the bill in that part designated "§2143." in subsection 3 in paragraph C by striking out the first sentence and inserting in its place the following:

'Clients shall have an unrestricted right to visitations during reasonable hours.'

Further amend the bill in that part designated "§2143." by striking out all of subsection 6 and inserting in its place the following:

'6. Personal property. Each client shall have the right to the possession and use of his own clothing, personal effects and money. When necessary to protect the client or others from imminent injury, the chief administrator of a day facility or a residential facility may take temporary custody of clothing or personal effects which shall be immediately returned when the emergency ends.'

Further amend the bill in that part designated "§2143." in subsection 8 by striking out all of paragraph F and inserting in its place the following:

'F. The express and informed consent of a person described in paragraph E may be withdrawn at any time, with or without cause, prior to treatment or surgery.'

(1) The absence of express and informed consent, notwithstanding emergency medical care or treatment or surgical procedure, may be provided to any client who has been injured or who is suffering from an acute illness, disease or condition if delay in initiation of emergency medical care, treatment or surgery would substantially endanger the health of the client.'

Further amend the bill in that part designated "§2143." in subsection 11 by striking out all of paragraph C and inserting in its place the following:

'C. Seclusion, defined for the purposes of this chapter as the placement of a resident alone in a locked room for a period in excess of one hour, shall not be employed. Placement of a resident alone in a locked room for a period of less than one hour may occur only in emergencies to protect the client or others from imminent injury, provided a client so placed shall be visually checked by a staff person at 10-minute intervals throughout the duration of such placement.'

Further amend the bill in that part designated "§2143." in subsection 12 by striking out all of the last sentence and inserting in its place the following:

'Treatment programs involving the use of noxious or painful stimuli may only be employed to correct behavior harmful to the client or others on the recommendation of a physician or psychologist and with the approval, following a case-by-case review, of the chief administrator of the residential facility.'

Further amend the bill in that part designated "§2143." in subsection 14 by inserting at the end the following:

'The department shall have access to the records of a day facility or a residential facility as may be necessary to carry out the statutory functions of the department.'

Statement of Fact

This amendment is necessary to insure that the rights of the mentally retarded clients are protected in the most efficient manner possible.

Reported by the Committee on Human Resources.

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

6/15/77

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