

# MAINE STATE LEGISLATURE

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(Filing No. H-1091)

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

COMMITTEE AMENDMENT "A" to H.P. 2016, L.D. 2091, Bill, "AN ACT to Clarify Admission Procedures at Pineland Center."

Amend the bill in section 1 by striking out all of the amending clause and inserting in its place the following:

'Sec. 1. 34 MRSA §2652, sub-§1, ¶L, as enacted by PL 1977, c. 502, §4, is amended to read:'

Further amend the bill by inserting after section 4 ~~the~~ the following:

'Sec. 4-A. 34 MRSA §2656, sub-§2, ¶C, as enacted by PL 1977, c. 502, §4, is repealed and the following enacted in its place:

C. The coordinator of the interdisciplinary team, the individual program plan / coordinator, which developed the individual program plan for the client;'

Further amend the bill in section 5 by striking out everything after the amending clause and inserting in its place the following:

'No portion of a prescriptive program plan shall be implemented until each person as required under subsection 2 has signed the service agreement for the plan, including a client advocate if the client has no guardian, except that if a client is to be admitted to a facility, the service agreement need not be completed until 5 days after the date of admission.'

Further amend the bill in section 7 in that part designated "§2657-A." in subsection 2 by striking out all of the 2nd underlined sentence and inserting in its place the following: 'The purpose of that respite care shall be for evaluation, diagnosis or other clearly stated and broadly defined therapeutic purposes of the client or his family.'

Further amend the bill in section 7 in that part designated in the first line "§2659-A." in subsection 1/by striking out the underlined word "Application." and inserting in its place the underlined word 'Petition.'

Further amend the bill in section 7 in that part designated "§2659-A." in subsection 1 in paragraph A in the first line by striking out the underlined words "An application" and inserting in their place the underlined words 'A petition'

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Further amend the bill in section/in that part designated "§2659-A." in subsection 2 in paragraph C in the first line by striking out the underlined word "May" and inserting in its place the underlined word 'Shall'

Further amend the bill in section 7 in that part designated "§2659-A." by inserting at the end of subsection 8 the following: '9. Exceptions. This section shall not apply to the Aroostook Residential Center.'

Further amend the bill in section 8 in that part designated "§2661." in subsection 3 in the 3rd line (same in L.D.) by striking out the underlined figure "8" and inserting in its place the underlined figure '2'

Further amend the bill in section 8 in that part designated "2662" by striking out all of subsection 2 and inserting in its place the following:

'2. Medical or dental treatment. Any mentally retarded person requiring medical or dental treatment, including post-operative care, may be admitted to the Benda Hospital only if, and for so long as, a signed consent to admission is given and remains unrevoked by one of the following:

- A. The client;
- B. A parent; or
- C. A legal guardian.'

Further amend the bill in section 8 in that part designated "§2663." in the 4th line (same in L.D.) by inserting after the underlined word "individual" the following: ', that an emergency exists requiring immediate residential placement'

Further amend the bill in section 8 in that part designated "§2663." in the first ¶ in the next to the last line (3rd line from the end in L.D.) by inserting after the underlined word "forthwith" the following: 'within 18 hours'

Further amend the bill in section 8 in that part designated "§2563." in the 2nd paragraph in the next to the last line (same in L.D.) by inserting after the underlined word "forthwith" the following: 'within 18 hours.'

Statement of Fact

This amendment allows a client advocate to represent clients who have no guardian and expands the definition of respite care to allow consideration of the needs of the family as well as of the client. It clarifies the point that only mentally retarded persons may be admitted to Benda Hospital at Pineland Center. It specifies that the coordinator of the team which developed the prescriptive plan for the client, rather than a physician or psychologist, be one of those signing the service agreement. It sets an upper limit on the time a person may be held under the emergency restraint and transportation section.

These regulations on admissions apply both to Pineland Center and the Elizabeth Levinson Center; they do not apply to the Aroostook Residential Center, which does not handle involuntary commitments.

Reported by the Committee on Health and Institutional Services.

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