

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

D O E R.

STATE OF MAINE
SENATE
109TH LEGISLATURE
FIRST REGULAR SESSION

(Filing No. S-274)

COMMITTEE AMENDMENT "A " to S.P. 466, L.D. 1528, Bill,
"AN ACT to Establish and Protect the Rights of Recipients of
Mental Health Services."

Amend the Bill by striking out all of the title and
inserting in its place the following: 'AN ACT to Extend Rights
of Patients in Institutions to Patients in Residential Care
Facilities.'

Further amend the Bill by striking out everything after
the enacting clause and inserting in its place the following:

'Sec. 1. 34 MRSA §7, first ¶, as reenacted by PL 1975,
c. 770, §197, is amended to read:

The central principle underlying all rules, regulations,
procedures and practices relating to residents of the several
institutions within the department and, hospitals as defined
by section 2251, subsection 3, and residential care facilities
as defined by section 2251, subsection 9, shall be that such
persons shall retain all rights of an ordinary citizen, except
those expressly or by necessary implication taken from them by
law.

Sec. 2. 34 MRSA §2251, sub-§6, is amended to read:

5. Patient. "Patient" means an individual under observation,
care or treatment in a hospital or residential care facility
pursuant to this chapter.

Sec. 3. 34 MRSa §2251, sub-§9 is enacted to read:

9. Residential care facility. "Residential care facility" means a licensed or approved boarding care, nursing care or foster care facility which supplies supportive residential care to individuals due to their mental illness.

Sec. 4. 34 MRSa §2254, sub-§3, as enacted

by PL 1965, c. 7, is amended to read:

3. General rights.

Except to the extent that the head of the hospital or residential care facility determines that it is necessary for the medical welfare of the patient to impose restrictions, and unless a patient has been adjudicated incompetent and has not been restored to legal capacity and except where specifically restricted by other statute or regulation, but not solely because of the fact of admission to a mental hospital or residential care facility for the mentally ill, to exercise all civil rights, including, but not limited to, civil service status, the right to vote, rights relating to the granting, renewal, forfeiture or denial of a license, permit, privilege or benefit pursuant to any law, and the right to enter contractual relationships and to manage his property.

A. Any limitations imposed by the head of the hospital or residential care facility on the exercise of these rights by the patient and the reasons for such limitations shall be made a part of the clinical record of the patient.

Sec. 5. 34 MRSa §2258 is amended to read:

§2258. Additional powers of the department

In addition to the specific authority granted by other

D. O. R.

provisions of this chapter, the department shall have authority to prescribe the form of applications, records, reports and medical certificates provided for under this chapter and the information required to be contained therein; to require reports from the head of any hospital or residential care facility relating to the admission, examination, diagnosis, release or discharge of any patient; to visit each hospital or residential care facility regularly to review the commitment procedures of all new patients admitted between visits; to investigate by personal visit complaints made by any patient or by any person on behalf of a patient; and to adopt such rules and regulations not inconsistent with this chapter as it may find to be reasonably necessary for proper and efficient hospitalization of the mentally ill.'

Statement of Fact

This amendment limits the scope of the bill, specifying a change in the title and adding the phrase "residential care facility" to sections of the statutes dealing with the rights of patients in state mental institutions and hospitals which provide inpatient care and treatment for the mentally ill.

Reported by the Committee on Health and Institutional Services.

Reproduced and distributed pursuant to Senate Rule 11-A.

May 31, 1979

(Filing No. S-274)