

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-339)
110TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 912, L.D. 1078, Bill, "AN ACT Authorizing and Directing the Bureau of Mental Health to Enhance and Protect the Rights of Recipients of Mental Health Services."

Amend the Bill in section 1, by striking out at the beginning of the first line the underlined abbreviation and figure "Sec. 1."

Further amend the Bill in section 1 in that part designated "§2004." in subsection 1, in the 2nd line (first line in L.D.) by inserting after the underlined word "rules" the underlined words and figures 'subject to \leftarrow \longrightarrow the Maine Administrative Procedure Act, Title 5, chapter 375,'

Further amend the Bill in section 1, in that part designated "§2004." in subsection 1, 2nd sentence by striking out the underlined word "may" and inserting in its place the underlined word 'shall'

Further amend the Bill in section 1, in that part designated "§2004.", subsection 1, paragraph A, by inserting after the underlined word "The" the underlined words 'right to'

Further amend the Bill in section 1, in that part designated "§2004." by inserting after subsection 2 the following:

'3. Legislative review. The rules, as amended during the public hearing process, shall be submitted for review to the legislative committee ^{having} jurisdiction over health and institutional services, which shall vote on the rules within 30 days after

they are submitted to the committee. Any rules amended by the committee shall be resubmitted for public hearing. No rule may be in effect until after it has been approved by a majority of the committee. This requirement shall be in addition to the normal rule-making process of the Maine Administrative Procedure Act, Title 5, chapter 375.'

Further amend the Bill by striking out all of sections 2 and 3.

Statement of Fact

This amendment requires that, as a minimum, the rules must cover the areas outlined in paragraphs A to K. In paragraph A, it adds the right to provision of treatment. The current statutes on mechanical restraints and seclusion, and right to communication and visitation, remain in effect. Finally, ^{the} ~~Joint Standing~~ ^{Committee} / on Health and Institutional Services ←————→ must review and approve all rules, which the Bureau of Mental Health will promulgate and hear according to the provisions of the Maine Administrative Procedure Act, Title 5, chapter 375.

Reported by the Committee on Health and Institutional Services.
Reproduced and distributed under the direction of the Clerk of the House.

5/8/81

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