

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1523

6
7 H.P. 1045

House of Representatives, May 13, 1985

8 Referred to the Committee on Human Resources. Sent up for
9 concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Speaker Martin of Eagle Lake.

11 Cosponsored by Representative Nelson of Portland, Senator Gill of
Cumberland and Senator Diamond of Cumberland.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Create the Bureau of Children With
18 Special Needs in the Department of
19 Mental Health and Mental Retardation.
20

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

23 Sec. 1. 5 MRSA 12004, sub-§10, ¶A, sub-¶(48-A)
24 is enacted to read:

25 (48-A) Mental Health Maine Advisory Expenses 34-B MRSA
26 and Retard- Committee on Only §6241
27 tion Children with
28 Special Needs

29 Sec. 2. 34-B MRSA §1203, sub-§6, as enacted by
30 PL 1983, c. 459, §7, is repealed.

31 Sec. 3. 34-B MRSA §1204, sub-§2, ¶C, as amended
32 by PL 1983, c. 816, Pt. C, §2, is further amended to
33 read:

1 C. The commissioner shall appoint the following
2 officials to serve at his pleasure:

3 (1) Associate Commissioners;

4 (2) Director, Bureau of Mental Health;

5 (3) Superintendent, Augusta Mental Health
6 Institute;

7 (4) Superintendent, Bangor Mental Health
8 Institute;

9 (5) Director, Bureau of Mental Retardation;

10 (6) Superintendent, Pineland Center;

11 (7) Children's Services, Executive Director
12 Director, Bureau of Children with Special
13 Needs;

14 (8) Director, Mental Retardation Facility;

15 (9) Director, Elizabeth Levinson Center;

16 (10) Assistant to the Commissioner for Pub-
17 lic Information; and

18 (11) Assistant to the Commissioner.

19 Sec. 4. 34-B MRSA §1206, as enacted by PL 1983,
20 c. 459, §7, is repealed.

21 Sec. 5. 34-B MRSA §1412, as enacted by PL 1983,
22 c. 459, §7, is repealed.

23 Sec. 6. 34-B MRSA §5401, as enacted by PL 1983,
24 c. 459, §7, is amended to read:

25 §5401. Maintenance of facilities

26 The department shall maintain the following ~~3~~ 2
27 residential facilities for the care and treatment of
28 mentally retarded persons:

29 1. Pineland Center; and

1 2. Aroostook Residential Center, and.

2 3- Elizabeth Levinson Center-

3 Sec. 7. 34-B MRSA §5404, as enacted by PL 1983,
4 c. 459, §7, is repealed.

5 Sec. 8. 34-B MRSA §5468, sub-§3, as enacted by
6 PL 1983, c. 580, §19, is repealed.

7 Sec. 9. 34-B MRSA §5474, sub-§1, as enacted by
8 PL 1983, c. 459, §7, is repealed.

9 Sec. 10. 34-B MRSA §5475, first ¶, as enacted by
10 PL 1983, c. 459, §7, is amended to read:

11 If the chief administrative officer of a facility
12 or his designee, or the director of the Elizabeth
13 Levinson Center or his designee, has determined that
14 a client is not capable of giving informed consent to
15 admission, the client may be admitted for extended
16 care and treatment only after judicial certification
17 pursuant to the following procedures.

18 Sec. 11. 34-B MRSA c. 6, first 2 lines are re-
19 pealed and the following enacted in their place:

20 CHAPTER 6

21 CHILDREN WITH SPECIAL NEEDS

22 Sec. 12. 34-B MRSA c. 6, sub-c.c. II, III and IV
23 are enacted to read:

24 SUBCHAPTER II

25 BUREAU OF CHILDREN WITH SPECIAL NEEDS

26 §6201. Definitions

27 As used in this subchapter, unless the context
28 indicates otherwise, the following terms have the
29 following meanings.

30 1. Bureau. "Bureau" means the Bureau of Children
31 with Special Needs.

1 2. Child in need of treatment. "Child in need of
2 treatment" means:

3 A. A child age 0 to 5 years who is developmen-
4 tally disabled or who demonstrates developmental
5 delays; and

6 B. A child age 6 to 20 years who has treatment
7 needs related to mental illness, mental retarda-
8 tion, developmental disabilities or emotional or
9 behavioral needs that are not under current statu-
10 tory authority of existing state agencies.

11 3. Treatment. "Treatment" means the provision of
12 services to children in need of treatment and their
13 families, the services consisting primarily of:

14 A. Psychiatric, psychological, counseling, de-
15 velopmental and other therapeutic modalities; and

16 B. Social, interpersonal and other living
17 skills, related supportive services and habilita-
18 tive training.

19 §6202. Policy

20 1. Services. It is the policy of the State to
21 provide an efficient, coordinated statewide system of
22 services to children in need of treatment and their
23 families, insofar as resources permit.

24 2. Spiritual treatment. Nothing in this subchap-
25 ter may replace or limit the right of any child to
26 treatment in accordance with a recognized religious
27 method of healing, if the treatment is requested by
28 the person or by his parent or guardian.

29 3. Setting. It is the policy of the State that
30 the setting for the services described in this sub-
31 chapter shall, consistent with the availability of
32 appropriate resources:

33 A. Impose the fewest possible restrictions on
34 the liberty of children in need of treatment; and

1 B. Be as close as possible to the patterns and
2 norms of the mainstream of society, recognizing
3 regional, cultural and ethnic characteristics.

4 4. Other agencies. Nothing in this subchapter
5 may be construed to constrain or impair the Depart-
6 ment of Corrections, Department of Educational and
7 Cultural Services, Department of Human Services or
8 any other state agency in carrying out statutorily
9 mandated responsibilities to children and their fami-
10 lies or to alter or diminish any services, benefits
11 or entitlements received by virtue of the statutory
12 responsibilities.

13 §6203. Commissioner's duties

14 1. System. In order to facilitate the develop-
15 ment and operation of a coordinated, statewide system
16 of services to children in need of treatment and
17 their families, the commissioner, through the bureau,
18 shall:

19 A. Provide a decentralized administrative struc-
20 ture for the provision of services to children in
21 need of treatment and their families;

22 B. Work toward the provision of normalized ser-
23 vices through the establishment of in-home,
24 community-based, family-oriented programs for the
25 child in need of treatment. If treatment in an
26 out-of-home or out-of-community setting becomes
27 necessary, it should be in the least restrictive
28 setting consistent with needs of the child, com-
29 mensurate with the resources available to the bu-
30 reau and in coordination with services and re-
31 sources of other state agencies serving children
32 and their families;

33 C. Continue coordination and linkage with other
34 agencies, programs and systems that serve chil-
35 dren and their families on a state, regional and
36 local level, so as to encourage effective and ef-
37 ficient procedures and practice in the delivery
38 of services to children in need of treatment and
39 their families;

1 D. Place a high priority on continued participa-
2 tion with the Department of Educational and Cul-
3 tural Services and the Department of Human Ser-
4 vices in preventive intervention services to fam-
5 ilies of children in need of treatment;

6 E. Strive to ensure that all services and pro-
7 grams are adequately staffed by persons appropri-
8 ately qualified by training and experience;

9 F. Publicize the availability of services to
10 children in need of treatment to ensure that
11 these services are accessible to the greatest
12 possible number of children and their families;
13 and

14 G. Ensure that all children in need of treatment
15 and their families are notified of their rights
16 to advocacy services available in this State.

17 2. Plan. The commissioner, through the bureau,
18 shall serve as an advocate for children in need of
19 treatment; shall monitor, review and evaluate not
20 less than annually the allocation and adequacy of
21 services provided by the department; and shall pre-
22 pare and maintain a plan that meets the following
23 criteria.

24 A. The plan shall indicate the most effective
25 and efficient manner in which to implement ser-
26 vices and programs for children in need of treat-
27 ment and their families, while safeguarding and
28 respecting the legal and human rights of these
29 children and families.

30 B. The plan shall specifically indicate how gaps
31 in services for children in need of treatment and
32 their families can best be met.

33 C. The plan shall establish a procedure for set-
34 ting priorities among the various services re-
35 quired by children in need of treatment and their
36 families, in cooperation with other agencies of
37 State Government that provide services to chil-
38 dren and families, including, but not limited to,
39 the Department of Corrections, Department of Edu-
40 cational and Cultural Services and Department of

1 Human Services.

2 D. The plan shall specifically indicate the de-
3 partment's efforts in assuring that services to
4 children in need of treatment and their families
5 are effectively coordinated with existing re-
6 sources and procedures of all Department of Men-
7 tal Health and Mental Retardation institutions
8 and programs.

9 E. The plan shall be prepared in the even-
10 numbered years for submission to the joint stand-
11 ing committee of the Legislature having
12 jurisdiction over human resources and the joint
13 standing committee of the Legislature having ju-
14 risdiction over appropriations and financial af-
15 airs no later than January 30th of the odd-
16 numbered years beginning in 1987.

17 §6204. Establishment of bureau

18 1. Duties. There is established, within the De-
19 partment of Mental Health and Mental Retardation, the
20 Bureau of Children with Special Needs. The bureau
21 shall:

22 A. Strengthen the capacity of families, natural
23 helping networks, self-help groups and other com-
24 munity resources to support and serve children in
25 need of treatment;

26 B. Facilitate the planning, promoting, coordina-
27 tion, delivery and evaluation of a complete and
28 integrated statewide system of services to chil-
29 dren in need of treatment and their families; and

30 C. Support those services appropriate to chil-
31 dren in need of treatment and their families, in-
32 cluding, but not necessarily limited to, the fol-
33 lowing:

34 (1) Advocacy;

35 (2) Assessment and diagnosis;

36 (3) Child development;

- 1 (4) Consultation and education;
- 2 (5) Crisis intervention;
- 3 (6) Family guidance and counseling;
- 4 (7) Preventive intervention;
- 5 (8) Professional consultation and training;
- 6 (9) Respite care; and
- 7 (10) Treatment.

8 2. Powers. The bureau may perform the duties de-
9 scribed in subsection 1 and may provide services to
10 children in need of treatment through state-operated
11 facilities and programs or through contracts and
12 grants to public and private agencies. In all cases,
13 the bureau shall ensure that services are provided in
14 the least restrictive setting consistent with the
15 child's needs, commensurate with the resources avail-
16 able to the bureau and in coordination with services
17 and resources of other state agencies serving chil-
18 dren and families. Emphasis shall be placed on main-
19 taining each child in his natural home or in an al-
20 ternative placement within the community whenever
21 possible.

22 3. Appointment of director. The commissioner
23 shall, with the advice of the Maine Advisory Commit-
24 tee on Children with Special Needs, appoint and set
25 the salary for the director of the bureau, subject to
26 the approval of the Governor. Notwithstanding any
27 other law, the commissioner may delegate any employee
28 of the department to serve, for a period not to ex-
29 ceed 180 days, as acting director of the bureau, if
30 the office of the director is vacant. Service as act-
31 ing director shall be considered a temporary addi-
32 tional duty for the person so delegated.

33 4. Qualifications of director. To be eligible
34 for appointment as director, a person must have:

35 A. A graduate degree in child development, so-
36 cial welfare or a related field; and

1 B. At least 5 years of experience in the admin-
2 istration of children's services programs or sat-
3 isfactory experience in work of a comparable na-
4 ture.

5 5. Term. The director shall serve at the plea-
6 sure of the commissioner.

7 6. Duties and powers of director. In addition to
8 other duties and powers set out in this chapter, the
9 director:

10 A. Shall report directly to the commissioner;

11 B. Shall carry out the duties and responsibili-
12 ties of the bureau; and

13 C. May promulgate, amend or repeal rules govern-
14 ing the administration of this chapter in accord-
15 ance with the Maine Administrative Procedure Act,
16 Title 5, chapter 375.

17 SUBCHAPTER III

18 ADVISORY COMMITTEE

19 §6241. Maine Advisory Committee on Children with
20 Special Needs

21 1. Composition. The Maine Advisory Committee on
22 Children with Special Needs, as established by Title
23 5, section 12004, subsection 10, shall be constituted
24 as follows.

25 A. The committee shall consist of 15 members ap-
26 pointed by the Governor. In making the appoint-
27 ments, the Governor shall give due consideration
28 to including parents or relatives of children in
29 need of treatment, providers of services to these
30 children and representatives of state agencies
31 concerned with children.

32 B. The Governor shall designate one member as
33 chairman of the committee.

34 C. Members of the committee shall serve for
35 terms of 3 years, except that:

1 (1) Of the members first appointed, 1/3
2 shall be appointed for terms of 3 years, 1/3
3 for terms of 2 years and 1/3 for terms of
4 one year; and

5 (2) Any member appointed to fill a vacancy
6 occurring prior to the expiration of the
7 term for which his predecessor was appointed
8 shall be appointed only for the remainder of
9 the term.

10 2. Duties and compensation. The committee shall
11 act in an advisory capacity to the commissioner and
12 to the Director of the Bureau of Children with Spe-
13 cial Needs in assessing present programs, planning
14 future activities and developing the means to meet
15 the needs of children in need of treatment and their
16 families. Members of the committee shall serve with-
17 out pay, but shall be reimbursed for expenses in-
18 curring in the performance of their duties on the same
19 basis as state employees.

20 SUBCHAPTER IV

21 STATE-OPERATED FACILITIES FOR CHILDREN
22 WITH SPECIAL NEEDS

23 §6251. Maintenance of facilities

24 The department shall maintain and the bureau
25 shall be responsible for the supervision of services
26 in the following 2 facilities for children in need of
27 treatment:

28 1. Elizabeth Levinson Center; and

29 2. Military and Naval Children's Home.

30 §6252. Elizabeth Levinson Center

31 1. Establishment. There is established the
32 Elizabeth Levinson Center at Bangor, which shall be
33 maintained for the training, education, treatment and
34 care of persons who are mentally retarded or children
35 in need of treatment.

1 2. Director. The chief administrative officer of
2 the Elizabeth Levinson Center shall be the director.

3 A. The commissioner shall, with the advice of
4 the Maine Committee on Children with Special
5 Needs, appoint and set the salary for the direc-
6 tor.

7 B. The director shall be appointed for an indef-
8 inite term and shall serve at the pleasure of the
9 commissioner until his successor is appointed and
10 qualified.

11 C. In order to qualify for appointment as the
12 director, a person must have sufficient education
13 and experience to administer a facility providing
14 services to children in need of treatment.

15 3. Duties of the director. The director shall:

16 A. Be responsible for the training, education,
17 treatment and care of all persons received into
18 or receiving services from the Elizabeth Levinson
19 Center;

20 B. Be responsible for the discharge of all per-
21 sons received into the Elizabeth Levinson Center;
22 and

23 C. Have direct supervision, management and con-
24 trol of the grounds, buildings, property, offi-
25 cers and employees of the Elizabeth Levinson Cen-
26 ter, subject to the approval of the commissioner.

27 4. Admission to the center. Mentally retarded
28 persons or children in need of treatment may be ad-
29 mitted to the center in any of the following ways.

30 A. When considered necessary by an
31 interdisciplinary team and with the consent of
32 the director, persons may be admitted to the
33 Elizabeth Levinson Center short-term evaluation
34 program for a period of 40 program days, exclud-
35 ing weekends, without certification.

36 B. Respite care may be provided to any person by
37 the center without full compliance with the pro-

1 cedures for admission by judicial certification
2 under section 5475, if:

3 (1) The purpose of the respite care is for
4 evaluation, diagnosis or other clearly
5 stated and broadly defined therapeutic pur-
6 poses of the person or his family;

7 (2) Respite care may be provided, upon ap-
8 plication to the bureau by the person, his
9 guardian or his parent, for not more than 21
10 days at a time and not more than 60 days
11 during any 12-month period; or

12 (3) Continuing placement in the center be-
13 yond the time periods stated in subparagraph
14 2, if indicated, may be accomplished only
15 upon full compliance with section 5475.

16 C. Admission to the center by judicial certifi-
17 cation may be accomplished according to the pro-
18 cedures in section 5475.

19 5. Applicability of laws. If a child in need of
20 treatment who is mentally retarded is admitted to the
21 center, all provisions in chapter 5 that are applica-
22 ble to state institutions shall apply to the center
23 with respect to that child.

24 §6253. Military and Naval Children's Home

25 1. Departmental control. The department shall
26 have charge of the operations of the Military and Na-
27 val Children's Home.

28 2. Chief administrative officer. The chief ad-
29 ministrative officer of the Military and Naval Chil-
30 dren's Home shall be the superintendent.

31 3. Purpose. The purpose of the Military and Na-
32 val Children's Home is the shelter and care of chil-
33 dren of this State who are in need of shelter and
34 care for one or more of the following reasons:

35 A. Lack of appropriate alternative shelter and
36 care;

1 B. Potential or actual abuse and neglect; or

2 C. Family crisis and upheaval.

3 4. Veterans' preference. Preference in admission
4 to the Military and Naval Children's Home shall be
5 given to the children of veterans of this State who
6 have served in the various wars in which the United
7 States has been engaged.

8 5. Educational or vocational training programs.
9 Any child in residence at the Military and Naval
10 Children's Home who, at the expiration of his minori-
11 ty, is a participant in an educational or vocational
12 training program, the interruption or cessation of
13 which will be caused by discharge from the home, may,
14 with the approval of the superintendent, voluntarily
15 elect to remain in residence at the home until com-
16 pletion of all or part of the educational or voca-
17 tional training program.

18 6. Board of visitors. There is established a
19 Board of Visitors for the Military and Naval Chil-
20 dren's Home which shall provide advice and direction
21 to the commissioner concerning the changes necessary
22 to ensure maximum utilization of the facility.

23 A. The board shall consist of 9 members and
24 shall include:

25 (1) The Associate Commissioner of Programs
26 of the department;

27 (2) A representative from the Bath communi-
28 ty;

29 (3) The Bath Elementary School principal or
30 a similar school official;

31 (4) A representative from an alcohol treat-
32 ment center;

33 (5) A social worker assigned to the home;

34 (6) A designee of a veterans' organization;

35 (7) Two citizens from outside the Bath ar-
36 ea; and

1 (8) One member appointed from the Depart-
2 ment of Human Services, Division of Child
3 and Family Services.

4 B. The commissioner, with the advice and consent
5 of the joint standing committee of the Legisla-
6 ture having jurisdiction over audit and program
7 review, shall appoint the members of the board,
8 except that the Commissioner of Human Services
9 shall appoint the member from the Division of
10 Child and Family Services.

11 C. Members shall be appointed for terms not to
12 exceed 3 years.

13 D. Terms of members shall be staggered so that
14 no more than 3 terms expire in any one year.

15 E. The board shall be responsible for:

16 (1) Assisting in the development of policy
17 and program changes regarding the use of the
18 home;

19 (2) Monitoring the progress made toward the
20 objectives outlined and presented during the
21 home's current transition; and

22 (3) Providing continuing oversight of the
23 home, its programs and policies.

24 F. By the first day of each January and July in
25 the year 1986, the department shall report to the
26 joint standing committee of the Legislature hav-
27 ing jurisdiction over audit and program review on
28 its efforts to improve the operation of the home,
29 and the committee shall work with the department
30 and board in ensuring that efficient use is made
31 of the home.

32 §6254. Services in institutions

33 1. Policy direction. All programs and services
34 provided to children and adolescents at Augusta Men-
35 tal Health Institute and Bangor Mental Health Insti-
36 tute or Pineland Center shall be coordinated with the
37 Bureau of Children with Special Needs and shall be

1 operated in concert with general policy of the bureau
2 as outlined in this chapter.

3 2. Report to commissioner. By July 1st of even-
4 numbered years, the superintendent of the facilities
5 referred in subsection 1 shall report to the commis-
6 sioner as to the number of children and adolescents
7 served in each program of their respective institu-
8 tions and as to the purposes of those services pro-
9 vided. The Director of the Bureau of Children with
10 Special Needs shall be consulted as part of the prepa-
11 ration of this report. The report shall also include
12 plans for proposed services to children in need of
13 treatment which shall be reflective of needs ex-
14 pressed regionally by other state and governmental
15 agencies, private providers and parents of children
16 in need of treatment.

17 STATEMENT OF FACT

18 Three years ago, the Governor and the Legislature
19 took a major and effective step in the organization,
20 focus and delivery of departmental services by split-
21 ting the corrections functions from mental health and
22 mental retardation services. This allowed for a more
23 appropriate direction of respective administrative
24 and program resources toward discrete populations of
25 individuals to whom the State has an on-going and
26 substantial commitment. This bill is another step in
27 assuring that state resources are effectively de-
28 ployed, and results from a critical and intensive ex-
29 amination undertaken by the department with respect
30 to services to handicapped children and troubled
31 youth and their families currently provided by de-
32 partmental staff and through contractual arrangement.
33 Analysis of departmental children's services pro-
34 grams, literature surveys, extensive consultation
35 with children's services and mental health profes-
36 sionals across the nation, and analysis of other
37 state's children's services programs indicated a
38 pervasive and troublesome theme sharply underscored
39 by the Report of the Maine Commission to Examine the
40 Availability, Quality and Delivery of Services Pro-
41 vided to Children with Special Needs. Many troubled
42 and handicapped children and their families are not
43 getting the services they need, resulting in exten-

1 sive psychological and physical damage, ultimately
2 requiring public resources far in excess of those
3 needed for timely and appropriate service interven-
4 tion. Additionally, while much has been accom-
5 plished, Maine has yet to develop the necessary pro-
6 cedures and policy focus to effectively address the
7 problem. Approximately 10,000 Maine children under 5
8 years of age are either handicapped or at the risk of
9 becoming handicapped, and another 10,000 school-aged
10 children are either mentally retarded or suffer from
11 emotional, behavioral or mental disturbance. The com-
12 mission's findings echo the concerns of community
13 groups, parents and professionals who have long ar-
14 gued for an effective and collaborative system to
15 provide comprehensive programs of preventive inter-
16 vention services for high risk and infants and their
17 families; assist families to keep their handicapped
18 children at home; expand home-based family treatment
19 programs helping troubled families stay together; and
20 establish a coherent and focused system of mental
21 health services for severely emotionally disturbed
22 children.

23 This bill provides an important step, a structur-
24 al foundation well coordinated with other state agen-
25 cy efforts and mandates, for the Department of Mental
26 Health and Mental Retardation to begin to address the
27 problems of handicapped and troubled children under a
28 unified administrative and program structure. This
29 bill establishes a Bureau of Children with Special
30 Needs, repeals the existing Office of Children's
31 Services and transfers the principal departmental
32 children's services resources currently administered
33 by the Bureau of Mental Health and Bureau of Mental
34 Retardation to this bureau. The bureau is mandated to
35 develop a system of services responding to need rather
36 than diagnostic labels or categories.

37 The following summarizes each section of the
38 bill.

39 Section 1 establishes the Maine Advisory Commit-
40 tee on Children with Special Needs in the Maine Re-
41 vised Statutes, Title 5.

42 Section 2 repeals the requirement for the commis-
43 sioner to establish a sliding fee scale for center

1 based preschool developmental day care. The Maine Re-
2 vised Statutes, Title 22, referred to and on which
3 this is based, Human Services, has been repealed.

4 Section 3 provides the commissioner with the power
5 to appoint the Director of the Bureau of Children
6 with Special Needs.

7 Section 4 repeals authorizing legislation for the
8 current Office of Children's Services. The Maine Re-
9 vised Statutes, Title 34-B, chapter 6, subchapter II,
10 enacts the Bureau of Children with Special Needs in
11 this bill.

12 Section 5 repeals authorizing legislation for the
13 Bath Military and Naval Children's Home. This reen-
14 acted in whole under the Maine Revised Statutes, Ti-
15 tle 34-B, section 6253.

16 Section 6 deletes the Elizabeth Levinson Center
17 from reference as a facility in the Bureau of Mental
18 Retardation law. This is reenacted in the Maine Re-
19 vised Statutes, Title 34-B, section 6252.

20 Section 7 repeals the Elizabeth Levinson Center
21 authorizing legislation. This is reenacted under the
22 Maine Revised Statutes, Title 34-B, section 6252.

23 Section 8 deletes from the Bureau of Mental
24 Health and Mental Retardation law sections regarding
25 evaluation of children age 0 to 5 years. Evaluation
26 services are provided in the Maine Revised Statutes,
27 Title 34-B, sections 6201, 6204 and 6252.

28 Section 9 deletes from the Bureau of Mental Re-
29 tardation law the report and service plan require-
30 ments for a preschool child. Services to preschool
31 children are identified in the Maine Revised Stat-
32 utes, Title 34-B, sections 6201, 6203 and 6204.

33 Section 10 insures that the Elizabeth Levinson
34 Center, deleted from the definition of a "facility"
35 under the Bureau of Mental Retardation law, is spe-
36 cifically referenced under judicial certification
37 procedures.

1 Sections 11 and 12 enact a new section to the
2 Maine Revised Statutes, Title 34-B, chapter 6, sub-
3 chapter II, Bureau of Children with Special Needs.

4 The Maine Revised Statutes, Title 34-B, section
5 6201, defines the children to be served and the range
6 of primary services provided. The emphasis is on a
7 range of treatment services to children who are de-
8 velopmentally disabled, delayed, mentally retarded or
9 in need of mental health services. Services are to be
10 provided for children with emotional or behavioral
11 needs not being met under current law of other state
12 agencies, those who "fall through the cracks."

13 The Maine Revised Statutes, Title 34-B, section
14 6202, outlines policies for the new bureau, within
15 existing resources, which emphasize efficiency, coordi-
16 nation and treatment in least restrictive, family
17 and community based settings. Specific reference is
18 made to ensuring that the bureau does not violate or
19 supplant the mandates of other state agencies working
20 with children and families.

21 The Maine Revised Statutes, Title 34-B, section
22 6203, defines the commissioner's duties. Location of
23 services and authority closest to need and local or-
24 ganizations concerned with children, close coordina-
25 tion with all agencies serving children at state and
26 local levels, such as local education agencies, pre-
27 school programs, mental health programs, preventive
28 intervention programs, quality programs, continued
29 participation with the Department of Educational and
30 Cultural Services and Department of Human Services in
31 preventive intervention programs, accessibility to
32 service and advocacy are priorities. The commissioner
33 must also present a biennial comprehensive plan to
34 the Legislature specifically defining the best meth-
35 ods for providing services, describing service gaps
36 and ways to meet these, as well as suggesting proce-
37 dures for service priorities. The plan must be pre-
38 pared in coordination with other state agencies
39 serving children, particularly the Department of Hu-
40 man Services and Department of Educational and Cul-
41 tural Services. A key element of the plan mandates
42 ongoing assessment and action regarding service ef-
43 fectiveness and coordination of resources between the
44 various Bureau of Mental Health and Bureau of Mental

1 Retardation institutions. These would include, for
2 example, the Adolescent Unit at Augusta Mental Health
3 Institute, case management services for the 6 to 20
4 year old population provided by the Bureau of Mental
5 Retardation and others.

6 The Maine Revised Statutes, Title 34-B, section
7 6204, establishes the Bureau of Children with Special
8 Needs within the department and describes a support-
9 ive and strengthening role in assuring that an array
10 of family, home and community-based programs are
11 available to children in need of treatment. The bu-
12 reau may provide, where appropriate, services direct-
13 ly or through contracts and grants to public and pri-
14 vate agencies. The director's position is appointive
15 by the commissioner, with the advice of the Maine Ad-
16 visory Committee on Children with Special Needs and
17 approval of the Governor. The director reports di-
18 rectly to the commissioner and must have substantial
19 educational and administrative experience in chil-
20 dren's services programs.

21 The Maine Revised Statutes, Title 34-B, section
22 6241, provides for a 15-member broadly representative
23 Maine Advisory Committee on Children with Special
24 Needs appointed by the Governor and serving without
25 pay. The committee has important responsibilities in
26 assessing programs and planning for meeting current
27 and future needs.

28 The Maine Revised Statutes, Title 34-B, sections
29 6251, 6252 and 6253, reenact the original authorizing
30 legislation for the Elizabeth Levinson Center and the
31 Bath Military and Naval Children's Home repealed in
32 various other sections of the Maine Revised Statutes,
33 Title 34-B. These and other cited repeals and reen-
34 actments essentially consolidates departmental chil-
35 dren's services facilities in one chapter.

36 The Maine Revised Statutes, Title 34-B, section
37 6254, emphasizes general policy and specific methods
38 to assure that services provided to children in the
39 department's institutions are operated in concert and
40 support of the general policies enunciated in the
41 bill.

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