

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 1879

7
8 H.P. 1342

House of Representatives, January 16, 1986

9 Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 26.

10 Reference to the Committee on Appropriations and Financial Affairs
suggested and ordered printed.

11 EDWIN H. PERT, Clerk

Presented by Representative Connolly of Portland.

12 Cosponsored by Representative Nadeau of Saco, Representative Nelson
of Portland and Senator Clark of Cumberland.

13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-SIX
17

18 AN ACT Relating to Day Treatment Services for
19 Emotionally Disturbed Children.
20

21 Emergency preamble. Whereas, Acts of the Legis-
22 lature do not become effective until 90 days after
23 adjournment unless enacted as emergencies; and

24 Whereas, day treatment programs for emotionally
25 handicapped school-age children combine principles
26 and practices from the areas of mental health, spe-
27 cial education and family counseling and support; and

28 Whereas, day treatment programs can often elimi-
29 nate the need for out-of-home or residential treat-
30 ment placements of emotionally handicapped school-age
31 children, by strengthening family unity while provid-
32 ing coordinated educational and therapeutic services
33 in the most efficient and cost-effective manner; and

1 Whereas, requests for out-of-home and residential
2 treatment placements of emotionally handicapped
3 school-age children are far outstripping the State's
4 fiscal and program capacities; and

5 Whereas, a special multidisciplinary task force
6 of legislators, school administrators, mental health
7 professionals, special education experts and repre-
8 sentatives of the Department of Corrections, Depart-
9 ment of Educational and Cultural Services, Department
10 of Human Services and the Department of Mental Health
11 and Mental Retardation have developed interdepartmen-
12 tal definitions, principles and standards, as well as
13 program and funding procedures, for improving and ex-
14 panding day treatment programs within the State; and

15 Whereas, in the judgment of the Legislature,
16 these facts create an emergency within the meaning of
17 the Constitution of Maine and require the following
18 legislation as immediately necessary for the preser-
19 vation of the public peace, health and safety; now,
20 therefore,

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

23 Sec. 1. 34-B MRSA §6204, sub-§2-A is enacted to
24 read:

25 2.A. Improvement and expansion of day treatment
26 services for emotionally handicapped children. The
27 bureau shall work cooperatively with the Department
28 of Corrections, Department of Educational and Cultur-
29 al Services and the Department of Human Services to
30 improve and expand day treatment programs for emo-
31 tionally handicapped school-age children so that they
32 and their families may receive necessary, appropriate
33 and coordinated therapeutic and educational services
34 in home and community settings, reducing the likeli-
35 hood that out-of-home or residential treatment place-
36 ments will be required. In this area, the Department
37 of Mental Health and Mental Retardation and the De-
38 partment of Educational and Cultural Services shall
39 jointly develop procedures for the licensing or ap-
40 proval of day treatment programs to ensure their con-
41 sistent high quality throughout the State.

STATEMENT OF FACT

Day treatment services for emotionally disturbed and behaviorally handicapped school-age children are an effective, but sparsely available alternative to institutional care. Day treatment provides for the educational and mental health needs of children within the child's community rather than costly out-of-state schools and builds upon and supports family involvement rather than separating the child from family. Waiting lists for this service are growing, in some cases up to a year in length, which for many Maine children means costly and unnecessary institutional care and separation from their parents, brothers and sisters.

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