

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 1924

6 S.P. 760

In Senate, January 21, 1986

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

9 Reference to the Committee on Judiciary suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

10 Presented by President Pray of Penobscot.

Cosponsored by Senator Bustin of Kennebec, Senator Carpenter of  
Aroostook and Representative Diamond of Bangor.

11  
12 STATE OF MAINE  
13

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

17 AN ACT to Extend the Provisions for Judicial  
18 Certification and Commitment  
19 Procedures to Institutions Housing  
20 Mentally Retarded Persons.  
21

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

24 34-B MRSA §5461, sub-§5, as enacted by PL 1983,  
25 c. 459. §7, is amended to read:

26 5. Facility. "Facility" means a residential fa-  
27 cility operated by the department for mentally re-  
28 tardated clients. For the purposes of this subsection,  
29 the state mental health institutes shall be consid-  
30 ered facilities under this subsection when the insti-  
31 tutes provide residential services to clients, as de-  
32 finied by subsection 2, even if the client is also di-  
33 agnosed as a mentally ill person.

1

STATEMENT OF FACT

2           There are approximately 50 persons residing at  
3 any one time in either the Augusta Mental Health In-  
4 stitute or the Bangor Mental Health Institute who re-  
5 quire services for the mentally retarded. These cli-  
6 ents may be diagnosed as both mentally ill and men-  
7 tally retarded. At present, mentally retarded per-  
8 sons residing in Pineland Hospital receive the pro-  
9 tection of the judicial certification and judicial  
10 commitment procedures, which are designed to guaran-  
11 tee their ability to be placed in the least restric-  
12 tive environment necessary.

13           These procedures do not apply to those persons  
14 who are residing at the state mental health institu-  
15 tions. This bill makes those protected procedures  
16 applicable to them.

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