

# MAINE STATE LEGISLATURE

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1 (After Deadline)  
2 SECOND REGULAR SESSION  
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE  
5

6 Legislative Document

No. 2037

8 S.P. 809

In Senate, February 21, 1986

9 Approved for introduction by a majority of the Legislative Council  
10 pursuant to Joint Rule 27.

11 Reference to the Committee on Human Resources suggested and ordered  
printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by President Pray of Penobscot.

12 Cosponsored by Senator Bustin of Kennebec, Representative Carroll of  
Gray and Representative Nelson of Portland.

13 STATE OF MAINE  
14

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

18 AN ACT to Require a Report Concerning the Consumer  
19 Advisory Board.  
20

21 Sec 1. 34-B MRSA §5003, sub-§2, ¶¶F and G, as  
22 enacted by PL 1983, c. 459. §7, are amended to read:

23 F. Strive toward having a sufficient number of  
24 personnel who are qualified and experienced to  
25 provide treatment which is beneficial to the men-  
26 tally retarded clients; and

27 G. Encourage other departments to provide to  
28 mentally retarded persons those services which  
29 are required by law, and in particular:

30 (1) The commissioner shall work actively to  
31 ensure that mentally retarded clients, as  
32 provided for in Title 20-A, chapter 303,  
33 shall receive educational and training ser-  
34 vices beginning at age 6 years regardless of  
35 the degree of retardation, or accompanying  
36 disabilities or handicaps;

1 (2) The commissioner shall advise the De-  
2 partment of Mental Health and Mental Retar-  
3 dation about standards and policies pertain-  
4 ing to administration, staff, quality of  
5 care, quality of treatment, health and safe-  
6 ty of clients, rights of clients, community  
7 relations and licensing procedures and other  
8 areas which affect mentally retarded persons  
9 residing in facilities licensed by the De-  
10 partment of Human Services; and

11 (3) The commissioner shall inform the joint  
12 standing committee of the Legislature having  
13 jurisdiction over health and institutional  
14 services about areas where increased cooper-  
15 ation by other departments is necessary in  
16 order to improve the delivery of services to  
17 mentally retarded persons; and

18 Sec 2. 34-B MRSA §5003, sub-§2, ¶H is enacted to  
19 read:

20 H. Report annually to the joint standing commit-  
21 tee of the Legislature having jurisdiction over  
22 human resources on the activities of the Consumer  
23 Advisory Board established by the Pineland Con-  
24 sent Decree to oversee compliance with the terms  
25 of that decree. The commissioner or his designee  
26 shall appear in person before the committee and  
27 shall provide the committee with the most recent  
28 annual audit of decree standards and the correc-  
29 tive action plans required by the audit. The  
30 committee shall request that the members of the  
31 Consumer Advisory Board attend the commissioner's  
32 presentation and provide an independent report of  
33 its activities to the committee.

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STATEMENT OF FACT

2           In August of 1983, the United States District  
3 Court for the district of Maine relinquished over-  
4 sight of the Pineland Consent Decree. At that time  
5 many of the courts responsibilities were assumed by  
6 the Consumer Advisory Board. This bill requires the  
7 Department of Mental Health and Mental Retardation  
8 through the Bureau of Mental Retardation to report on  
9 the activities of the board and through that report  
10 inform the Legislature of the status of the State's  
11 compliance with the terms of the Pineland Consent De-  
12 cree.

13           The Consumer . Advisory Board as a entity created  
14 by the Federal Court will be requested to provide its  
15 own report to the committee.

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