

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

(New Draft of S.P. 809, L.D. 2037)
(New Title)
SECOND REGULAR SESSION

ONE HUNDRED AND TWELFTH LEGISLATURE

Legislative Document

No. 2297

S.P. 921

In Senate, April 1, 1986

Reported by Senator Gauvreau of Androscoggin from the Committee on Human Resources and printed under Joint Rule 2. Original bill sponsored by President Pray of Penobscot. Cosponsored by Senator Bustin of Kennebec, Representative Carroll of Gray and Representative Nelson of Portland.

JOY J. O'BRIEN, Secretary of the Senate

STATE OF MAINE

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

AN ACT to Obtain Information from the
Consumer Advisory Board, the
Commissioner of Mental Health and
Mental Retardation and the Mental
Health Advisory Council.

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

Sec. 1. 34-B MRSA §1209, sub-§7, as enacted by PL 1983, c. 459, §7, is amended to read:

7. Duties. The council shall act in an advisory capacity to the commissioner in the development of the state mental health plan and in the appointment of a Director of the Bureau of Mental Health. In addition, the council shall report annually to the joint standing committee of the Legislature having jurisdiction over human resources as part of a regularly scheduled meeting early in each legislative session.

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

3 F. Strive toward having a sufficient number of
4 personnel who are qualified and experienced to
5 provide treatment which is beneficial to the men-
6 tally retarded clients; and

7 G. Encourage other departments to provide to
8 mentally retarded persons those services which
9 are required by law, and in particular:

10 (1) The commissioner shall work actively to
11 ensure that mentally retarded clients, as
12 provided for in Title 20-A, chapter 303,
13 shall receive educational and training ser-
14 vices beginning at age 6 5 years regardless
15 of the degree of retardation, or accompany-
16 ing disabilities or handicaps;

17 (2) The commissioner shall advise the De-
18 partment of ~~Human Services~~ Mental Health and
19 Mental Retardation about standards and poli-
20 cies pertaining to administration, staff,
21 quality of care, quality of treatment,
22 health and safety of clients, rights of cli-
23 ents, community relations and licensing pro-
24 cedures and other areas which affect mental-
25 ly retarded persons residing in facilities
26 licensed by the Department of Human Ser-
27 vices; and

28 (3) The commissioner shall inform the joint
29 standing committee of the Legislature having
30 jurisdiction over ~~health and institutional~~
31 ~~services~~ human resources about areas where
32 increased cooperation by other departments
33 is necessary in order to improve the deliv-
34 ery of services to mentally retarded per-
35 sons; and

36 Sec. 3. 34-B MRSA §5003, sub-§2, ¶H is enacted
37 to read:

38 H. Report annually to the joint standing commit-
39 tee of the Legislature having jurisdiction over
40 human resources on the activities of the Consumer

Advisory Board established by the Pineland Consent Decree to oversee compliance with the terms of that decree. The commissioner or his designee shall appear in person before the committee and shall provide the committee with the most recent annual audit of decree standards and the corrective action plans required by the audit. The members of the Consumer Advisory Board may attend the commissioner's presentation and provide an independent report of its activities to the committee.

STATEMENT OF FACT

This new draft replaces the original bill. It requires the Department of Mental Health and Mental Retardation to report to the Joint Standing Committee on Human Resources on the activities of the Consumer Advisory Board and through that report inform the Legislature of the status of the State's compliance with the terms of the Pineland Consent Decree. It also expresses the desire of the committee to have the Consumer Advisory Board attend the meeting and provide an independent report of its activities to the committee. The Consumer Advisory Board was established by federal court as part of the Pineland Consent Decree to monitor its implementation.

In addition, it requires the Mental Health Advisory Council to report to the Joint Standing Committee on Human Resources each legislative session.

Finally, this new draft makes 3 technical corrections:

1. Changing 6 years to 5 years to make the Maine Revised Statutes, Title 34-B, section 5003, subsection 2, consistent with other parts of the law;

2. Correcting a reference to a department; and

3. Changing the reference to a legislative committee.