

MAINE STATE LEGISLATURE

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(Emergency)
(New Draft of S.P. 225, L.D. 607)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1742

S.P. 588

In Senate, June 4, 1987

Reported by Senator Gauvreau of Androscoggin for 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 Hickey of Augusta, Representative Paradis of Augusta.

JOY J. O'BRIEN, Secretary of the Senate

STATE OF MAINE

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

1 Resolve, to Establish the Maine Commission to
2 Review Overcrowding at the Augusta
3 Mental Health Institute and the
4 Bangor Mental Health Institute.
5

6 Emergency preamble. Whereas, Acts and resolves
7 of the Legislature do not become effective until 90
8 days after adjournment unless enacted as emergencies;
9 and

10 Whereas, the existing conditions at the Augusta
11 Mental Health Institute and the Bangor Mental Health
12 Institute pose a hazard to the health and safety of
13 both patients and staff; and

1 Whereas, in the judgment of the Legislature,
2 these facts create an emergency within the meaning of
3 the Constitution of Maine and require the following
4 legislation as immediately necessary for the preser-
5 vation of the public peace, health and safety; now,
6 therefore, be it

7 Commission established. Resolved: That the
8 Maine Commission to Review Overcrowding at the Augus-
9 ta Mental Health Institute and the Bangor Mental
10 Health Institute is established, consisting of 15
11 members, as follows: The Superintendent of the Au-
12 gusta Mental Health Institute or a designee; the Su-
13 perintendent of the Bangor Mental Health Institute or
14 a designee; the Commissioner of Mental Health and
15 Mental Retardation or a designee; the Director of the
16 Bureau of Mental Health or a designee; 7 members ap-
17 pointed jointly by the President of the Senate and
18 the Speaker of the House, to include: A representa-
19 tive of the Maine State Alliance for the Mentally
20 Ill, a representative of the Maine Council of Commu-
21 nity Mental Health Services, a representative of the
22 Portland Coalition of the Psychiatrically Labelled, a
23 representative of the Mental Health Advisory Council,
24 a consumer of community mental health services, a
25 psychologist and a psychiatrist; 2 representatives,
26 appointed by the Speaker of the House; and 2 Sena-
27 tors, appointed by the President of the Senate; and
28 be it further

29 Procedure. Resolved: That all appointments
30 shall be made not later than 30 days following the
31 effective date of this resolve and notification shall
32 be sent to the Chairman of the Legislative Council,
33 the President of the Senate and the Speaker of the
34 House. The commission shall hold an organizational
35 meeting, convened by the Chairman of the Legislative
36 Council, within 30 days of the final appointments to
37 the commission and shall elect a chairman from among
38 the members; and be it further

39 Issues studied. Resolved: That the commission
40 shall examine overcrowding at the Augusta Mental
41 Health Institute and the Bangor Mental Health Insti-
42 tute, including: The adequacy of programming and
43 treatment alternatives for residents; the adequacy of
44 current facilities, including space and environmental

1 requirements, staffing patterns and patient-staff ra-
2 tios; the impact of overcrowding on institution
3 staff; safety of patients and community; community
4 treatment and support services vital to the ongoing
5 care of the mentally ill; the existing availability
6 and scope of these community services; the relation-
7 ship between the adequacy of these services and the
8 existing conditions at the Augusta Mental Health In-
9 stitute and the Bangor Mental Health Institute; and
10 other issues determined by the commission; and be it
11 further.

12 **Meetings. Resolved:** That the commission meet as
13 necessary to study the issues through examination of
14 data, consultation with staff and recognized experts
15 and conduct public hearings; and be it further

16 **Reports. Resolved:** That the commission shall
17 submit a report with any accompanying legislation to
18 the Legislature in 2 parts. The first part shall be
19 submitted on or before December 1, 1987, detailing
20 conditions and practices at these 2 mental health in-
21 stitutes and making recommendations directed at alle-
22 viating these conditions. The 2nd part shall be sub-
23 mitted on or before September 1, 1988, detailing re-
24 sults and recommendations of the study of community
25 mental health and support services; and be it further

26 **Staff assistance. Resolved:** That the commission
27 shall request from the Legislative Council sufficient
28 staff assistance to carry out these duties and is au-
29 thorized to hire outside consultants to conduct all
30 or portions of the study if they so choose; and be it
31 further

32 **Reimbursement. Resolved:** That the members of
33 the commission who are Legislators shall receive the
34 legislative per diem, as defined in the Maine Revised
35 Statutes, Title 3, section 2, for days of attendance
36 at commission meetings. All members of the commis-
37 sion shall receive expenses, as defined in the Maine
38 Revised Statutes, Title 5, section 12002, upon appli-
39 cation to the Executive Director of the Legislative
40 Council for those expenses; and be it further

41 **Appropriation. Resolved:** That the following
42 funds are appropriated from the General Fund to carry
43 out the purposes of this resolve.

1 overcrowding at the Augusta Mental Health Institute
2 and the Bangor Mental Health Institute.

3 The new draft makes the following changes in the
4 original bill:

5 1. Adds an emergency preamble and emergency
6 clause;

7 2. Designates representatives from specific
8 groups to serve on the commission;

9 3. Expands the scope of the study to include an
10 inventory and assessment of community mental health
11 and support services statewide and calls for recom-
12 mendations for comprehensive solutions to the prob-
13 lems experienced by the mentally ill before, during
14 and after institutionalization;

15 4. Requires an interim report focusing on the
16 overcrowding at the Augusta Mental Health Institute
17 and the Bangor Mental Health Institute on December 1,
18 1987, and a final report focusing on community mental
19 health and support services and their role in the
20 overall mental health care picture;

21 5. Adds procedural requirements for organizing
22 the commission;

23 6. Provides for per diem compensation for Legis-
24 lators appointed to the commission; and

25 7. Adds an appropriation and a fiscal note.

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