

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 418

S.P. 191

In Senate, February 23, 1989

Submitted by the Department of Mental Health and Mental Retardation pursuant to Joint Rule 24.

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GILL of Cumberland.

Cosponsored by Representative CARTER of Winslow, Senator BERUBE of Androscoggin and Representative PINES of Limestone.

STATE OF MAINE

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

An Act to Amend Laws Related to the Bureau of Mental Retardation's Role in In-state Residential Treatment Centers.



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

3 **34-B MRSA §1208, sub-§4,** as enacted by PL 1985, c. 789, §§8
5 and 9, is amended to read:

7 **4. Payment for state agency clients.** The commissioner
9 shall authorize payment of approved mental health treatment costs
11 with the recommendation of ~~a-Bureau-of-Mental-Retardation-case~~
13 ~~manager-~~or~~~~ an employee of the Office of Children's Services in an
15 in-state residential treatment center, as identified in Title
17 20-A, section 1, subsection 24-A, paragraph D, subparagraph (3),
19 to the extent of the amount of funds appropriated by the
21 Legislature for this purpose; and may authorize payment of mental
23 health treatment costs for similar placements in out-of-state
25 residential placements on a case-by-case basis, within the
27 limits of available funds. The commissioner shall further
29 authorize payment of approved board and care and mental health
31 treatment costs for state agency clients who are placed for other
than educational purposes with the recommendation of ~~a-Bureau-of~~
~~Mental-Retardation-case-manager-~~or~~~~ an employee of the Office of
Children's Services in any residential placement, as defined in
Title 20-A, section 1, subsection 24-A, to the extent of the
funds appropriated by the Legislature for this purpose. In no
event may payments which the commissioner is required to
authorize under this section exceed the funds appropriated by the
Legislature for the purposes referred to in this subsection.
Payment from these funds shall be made only when other
appropriate state or federal funds to which the department has
access have been exhausted.

31

33 **STATEMENT OF FACT**

35 When the commonly called "Eligibility Bill" was enacted,
37 language was written into the Maine Revised Statutes, Title 34-B,
39 section 1208, subsection 4 which inadvertently included the
41 Bureau of Mental Retardation. The Bureau of Mental Retardation
does not pay mental health treatment costs for clients placed in
residential treatment centers and does not pay for board and care
and mental health treatment costs in other residential settings.
This bill corrects the law.