

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1193, L.D. 1660, Bill, "An Act to Provide for an Interim Superintendent for the Augusta Mental Health Institute"

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting in its place the following:

Sec. 1. Appointment of temporary superintendent. The Commissioner of Mental Health and Mental Retardation may make an interim appointment of an individual who meets the requirements of the Maine Revised Statutes, Title 34-B, section 3202, subsection 2, to be superintendent of the Augusta Mental Health Institute. The individual appointed shall not be a state employee.

Sec. 2. Additional conditions. For purposes of immunity and liability, Health Consortium Inc., any person or entity contracting with Health Consortium Inc., and any of their employees, including the interim superintendent, when providing services pursuant to a contract between Health Consortium, Inc. and the Department of Mental Health and Mental Retardation, including assisting and advising the department in carrying out its statutory duties at the Augusta Mental Health Institute, shall be deemed to be state employees or state agencies. The interim superintendent shall meet with committees of the Legislature at the request of those committees to provide any requested information and the commissioner shall provide to the joint standing committee of the Legislature having jurisdiction over human resource matters copies of all written materials provided to the commissioner or the Governor by the interim superintendent or Health Consortium, Inc. It is the intent of the Legislature that the costs of any contracts entered into by the Department of Mental Health and Mental Retardation relating to the appointment of an interim superintendent and the provision of services related to that interim appointment shall be paid from the Governor's contingency account.'

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STATEMENT OF FACT

This amendment clarifies the authority granted to the Commissioner of Mental Health and Mental Retardation to appoint an interim superintendent of the Augusta Mental Health Institute. It extends the protection of the Maine Tort Claims Act to Health Consortium, Inc., and persons and entities contracting with Health Consortium, Inc. to assist and advise the department. It also specifies the ability of the Legislature to request information from the interim superintendent and the consortium and indicates the intent of the Legislature that the costs of this bill will be paid from the Governor's contingency account.

Reported by the Committee on Human Resources
Reproduced and distributed under the direction of the Clerk of the House
5/23/89 (Filing No. H-261)