

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)

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

COMMITTEE AMENDMENT "A" to H.P. 1336, L.D. 1853, Bill, "An Act to Facilitate the Admission and Treatment of Involuntary Patients by Community-based Mental Health Institutions"

Amend the bill by striking everything after the enacting clause and before the statement of fact and inserting in its place the following:

'34-B MRSA §3861, sub-§1, as enacted by PL 1983, c. 459, §7, is amended to read:

1. **Nonstate mental health institution.** The chief administrative officer of a nonstate mental health institution may receive for observation, diagnosis, care and treatment in the institution any person whose admission is applied for under any of the procedures in this subchapter.

A. The institution, any person contracting with the institution and any of its employees when admitting, treating or discharging a patient under the provisions of sections 3863 and 3864 under a contract with the department are immune from civil liability to the extent provided in Title 14, sections 8104-B, 8104-C, 8104-D, 8105, 8111 and 8116. For purposes of immunity under this paragraph, the institution must be treated as if it were a state agency and the employees or agents of the institution must be treated as if they were state employees.

B. Patients with a diagnosis of mental illness or psychiatric disorder in nonstate mental health institutions that contract with the department under this subsection are entitled to the same rights and remedies as patients in state mental health institutes as conferred by the constitution, laws, regulations and rules of this State and of the United States.

C. Before contracting with and approving the admission of involuntary patients to a nonstate mental health institution, the department shall require the institution to:

