

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 1853

H.P. 1336

House of Representatives, December 8, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Received by the Clerk of the House on December 8, 1989. Referred to the Committee on Human Resources and 1600 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative LISNIK of Presque Isle.

Cosponsored by Representative MacBRIDE of Presque Isle, Representative PINES of Limestone and Representative BURKE of Vassalboro.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

**An Act to Facilitate the Admission and Treatment of Involuntary
Patients by Community-based Mental Health Institutions.**



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

2
4 34-B MRSA §3861, sub-§1, as enacted by PL 1983, c. 459, §7,
is amended to read:

6 1. **Nonstate mental health institution.** The chief
7 administrative officer of a nonstate mental health institution
8 may receive for observation, diagnosis, care and treatment in the
9 institution any person whose admission is applied for under any
10 of the procedures in this subchapter. The institution, any
11 person contracting with the facility and any of its employees
12 when admitting, treating or discharging a patient admitted under
13 the provisions of section 3863 pursuant to a contract with the
14 Department of Mental Health and Mental Retardation shall be
15 deemed to be state employees or state agencies for the purposes
16 of immunity and liability.

18
20 STATEMENT OF FACT

22 The purpose of this bill is to amend the current civil
23 commitment law to facilitate the admission of involuntary
24 patients to community hospitals with psychiatric units in order
25 to relieve overcrowding at state mental health institutions.
26 This bill extends the protections of the Maine Tort Claims Act,
27 the Maine Revised Statutes, Title 14, chapter 741, to the
28 hospital, its agents and employees when the facility receives
29 patients involuntarily committed under the provisions of Title
30 34-B. The protection, which provides a \$300,000 limit to the
31 amount a patient could receive in a lawsuit against a treating
32 professional or the hospital, extends to the admission, treatment
33 and discharge of the involuntary patient. This protection places
34 the hospital and its employees in the same position as
35 professionals employed by the State at the Augusta Mental Health
36 Institute and the Bangor Mental Health Institute.