

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

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Legislative Document

No. 1937

H.P. 1401

House of Representatives, December 14, 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 14, 1989. Referred to the Committee on Appropriations and Financial Affairs 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 BURKE of Vassalboro.

Cosponsored by Senator GAUVREAU of Androscoggin, Representative CARROLL of Gray and Representative PENDLETON of Scarborough.

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STATE OF MAINE

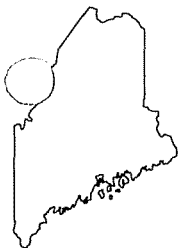
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

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**An Act to Establish a System of Citizen Representatives for Persons  
with Severe and Prolonged Mental Illness.**

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

2  
3           Sec. 1. 34-B MRSA §3904 is enacted to read:

4  
5           §3904. Citizen representative program

6  
7           1. Establishment. Pursuant to section 3902, subsection 1,  
8 there is established a program of citizen representatives for  
9 persons with severe and prolonged mental illness to promote  
10 effective treatment of those persons. The commission or a person  
11 or agency designated by the commission shall train and supervise  
12 the volunteer citizen representatives and shall administer the  
13 program.

14  
15           2. Referral. Referral to and assignment of citizen  
16 representatives are as follows.

17           A. The department shall refer any person who is admitted to  
18 the Augusta Mental Health Institute or the Bangor Mental  
19 Health Institute and who does not have a legal guardian,  
20 parent or relative to the citizen representative program, if  
21 that person consents to the referral.

22  
23           B. The department may refer any other appropriate person to  
24 the citizen representative program, if the person consents.

25  
26           C. Citizen representatives may also be assigned at the  
27 request of:

28  
29           (1) The person with severe and prolonged mental  
30 illness;

31           (2) A parent, if the person is a minor;

32           (3) A legal guardian of the person; or

33           (4) A relative, if the person consents.

34  
35           3. Citizen representative powers. A citizen representative  
36 may, with the consent of the person being represented:

37           A. Attend and participate in treatment planning conferences  
38 in both inpatient and outpatient settings;

39           B. Review relevant mental health records;

40           C. Review relevant medical records; and

41           D. Receive notification of the transfer or discharge of  
42 individuals in inpatient or residential settings.

2 4. Authorization. If the person with severe or prolonged  
3 mental illness designates a citizen representative in writing and  
4 the writing contains the words "This designation shall not be  
5 affected by the disability, incompetence or incapacity of the  
6 principal," "This designation shall become effective upon the  
7 disability, incompetence or incapacity of the principal" or  
8 similar words showing the intent of the person that the authority  
9 conferred is exercisable notwithstanding that person's  
10 disability, incompetence or incapacity, the citizen  
11 representative is authorized to attend and participate in  
12 treatment planning conferences and related activities, if the  
13 person becomes disabled, incompetent or incapacitated.

14 **Sec. 2. Appropriation.** The following funds are appropriated  
15 from the General Fund to carry out the purposes of this Act.

16 **1990-91**

17

18 **MAINE COMMISSION ON MENTAL HEALTH**

19

20 All Other

\$90,000

21

22 Provides funds to purchase services to carry  
23 out citizen advocacy activities on behalf of  
24 the Maine Commission on Mental Health.  
25

26

27

28 **STATEMENT OF FACT**

29

30 This bill provides funds to establish a program of citizen  
31 representatives to provide citizen advocacy services on behalf of  
32 the Maine Commission on Mental Health. The commission is  
33 required to develop this program by the Maine Revised Statutes,  
34 Title 34-B, section 3902.