

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)



114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2054

H.P. 1469

House of Representatives, December 29, 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 29, 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 BURKE of Vassalboro.

Cosponsored by Senator BOST of Penobscot, Representative CARROLL of Gray and Representative PENDLETON of Scarborough.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

Resolve, To Extend the Rights of All Mentally Retarded Persons.



2 **Sec. 1. Rule-making authority. Resolved:** That by September 30,
3 1990, the Department of Mental Health and Mental Retardation
4 shall promulgate rules in accordance with the Maine Revised
5 Statutes, Title 5, chapter 375, enumerating the rights of
6 mentally retarded persons who are clients of the Bureau of Mental
7 Retardation. These rules must include the rights of clients
8 established in the consent decree, including Appendix "A,"
9 Pineland Center Standards and Appendix "B," Community Standards,
10 issued on July 14, 1978, in Civil No. CV-75-80 by the Maine
11 District Court, District 7, Division of Southern Kennebec; and be
12 it further

13
14 **Sec. 2. Report. Resolved:** That by December 1, 1990, the
15 department must submit the rules established in section 1,
16 together with implementing legislation, to the 115th Legislature
17 for codification of these rules.

18

20

STATEMENT OF FACT

22 At least since 1983 it has been the policy of the Department
23 of Mental Health and Mental Retardation to extend the rights of
24 the Pineland Consent Decree to all clients of the Bureau of
25 Mental Retardation. In this way, there is not a 2-tier system,
26 one for class members and one for all other clients. The
27 department has always recognized that the principles and rights
28 enumerated in the Pineland Consent Decree establish a sound basis
29 for policies affecting all clients. This bill requires the
30 department to promulgate rules that adopt the Pineland Consent
31 Decree and to prepare legislation for codification of those
32 rules. This will give clients, parents and other interested
33 persons the assurance that this long-standing policy will not be
34 summarily changed, and will ensure continuity of policy in case
of departmental personnel changes.