

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)



115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1423

S.P. 534

In Senate, April 4, 1991

Reference to the Committee on Human Resources suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GAUVREAU of Androscoggin
Cosponsored by Representative MANNING of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

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



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

34-B MRSA §3904 is enacted to read:

§3904. Consumer advocacy program

1. Establishment. Pursuant to section 3902, subsection 1, there is established a program of consumer advocates for persons with severe and prolonged mental illness to promote effective treatment of these persons. The commission shall designate a person, agency or entity to train and supervise the volunteer consumer advocates and to administer the program.

2. Assignment of consumer advocates. The department shall assign consumer advocates as follows.

A. The department shall assign a consumer advocate to a person with severe and prolonged mental illness who is admitted to the Augusta Mental Health Institute or the Bangor Mental Health Institute, does not have a legal guardian, parent or relative and consents to the assignment.

B. The department may assign a consumer advocate to other persons with severe and prolonged mental illness who consent to the assignment.

C. The department may assign a consumer advocate to a person with severe and prolonged mental illness at the request of:

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

(2) The person's parent, if the person is a minor;

(3) A legal guardian of the person; or

(4) A relative, if the person consents.

3. Consumer advocate powers. With the consent of the person being represented, a consumer advocate may:

A. Attend and participate in treatment or individualized service planning conferences in both inpatient and outpatient settings;

B. Review relevant mental health records;

C. Review relevant medical records; and

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

2 4. Authorization. If, while competent, a person with
4 severe and prolonged mental illness designates a consumer
6 advocate in writing and the writing confers to the consumer
8 advocate the authority to act on the person's behalf, the
10 authority is exercisable notwithstanding the person's subsequent
12 disability, incompetence or incapacity. The consumer advocate is
14 authorized to attend and participate in treatment or
16 individualized service planning conferences and related
18 activities, if the person becomes disabled, incompetent or
20 incapacitated.

STATEMENT OF FACT

14 This bill provides for the establishment of a program of
16 consumer advocates authorized to represent and assist persons
18 with severe and prolonged mental illness in treatment or
20 individualized service planning conferences and other related
 activities. The Maine Commission on Mental Health is required to
 develop this program by the Maine Revised Statutes, Title 34-B,
 section 3902.