

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

Legislative Document

No. 1910

S.P. 720

In Senate, May 30, 1991

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.  
Reference to the Committee on Human Resources suggested and ordered printed.

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator BUSTIN of Kennebec

Cosponsored by Senator McCORMICK of Kennebec, Representative GEAN of Alfred and Representative MORRISON of Bangor.

### STATE OF MAINE

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

**Resolve, to Establish the Alternative Living Community Program.**

(AFTER DEADLINE)

(EMERGENCY)



2           **Emergency preamble.** Whereas, Acts and resolves of the  
Legislature do not become effective until 90 days after  
adjournment unless enacted as emergencies; and

4           Whereas, this resolve authorizes the transfer of the  
6 alternative living program from the Augusta Mental Health  
Institute to a nonprofit organization, effective September 1,  
8 1991; and

10           Whereas, this resolve requires that individualized support  
plans for clients to be discharged be completed by July 1, 1991;  
12 and

14           Whereas, in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
16 Maine and require the following legislation as immediately  
necessary for the preservation of the public peace, health and  
18 safety; now, therefore, be it

20           **Sec. 1. Program transfer. Resolved:** That as part of the  
program to implement the consent decree issued on August 7, 1990  
22 by the Superior Court, Kennebec County, in Civil Action Docket  
No. 89-88, referred to in this resolve as the "consent decree,"  
24 the Department of Mental Health and Mental Retardation may enter  
into an agreement pursuant to the Maine Revised Statutes, Title  
26 34-B, section 1208 to establish a pilot project to provide for  
the transfer of the alternative living program currently operated  
28 on the grounds of the Augusta Mental Health Institute to a  
community agency, effective September 1, 1991 subject to the  
30 requirements of this resolve; and be it further

32           **Sec. 2. Individualized support plan. Resolved:** That the Augusta  
Mental Health Institute shall complete an individualized support  
34 plan as provided in the consent decree for each client to be  
discharged. Plans must be completed by July 1, 1991; and be it  
36 further

38           **Sec. 3. Reduction of Augusta Mental Health Institute's capacity.**  
**Resolved:** That the community agency shall develop timetables  
40 based on individualized support plans and shall expedite  
placement of clients in the appropriate residential community;  
42 and be it further

44           **Sec. 4. Development of staffing component. Resolved:** That based  
on the wishes and needs of patients identified by the  
46 individualized support plan, the Department of Mental Health and  
Mental Retardation, the Bureau of Mental Health shall develop a  
48 staffing component to serve the clients' residential needs that  
is consistent with the consent decree; and be it further

50           **Sec. 5. Transfer of personnel account lines. Resolved:** That the  
52 Legislature may authorize transfer of the personnel account

2 lines from the Augusta Mental Health Institute to the Bureau of  
3 Mental Health and the Department of Mental Health and Mental  
4 Retardation may furnish the community agency with the state  
workers necessary to operate the project; and be it further

6 **Sec. 6. Training programs. Resolved:** That the bureau in  
7 conjunction with the community agency and the advisory group  
8 described in section 7 shall establish appropriate training  
9 programs, including, but not limited to, psychosocial  
10 rehabilitation and consumer models, to enable the project to be  
11 successful. Only workers who successfully complete the training  
12 program may be permanently transferred from the Augusta Mental  
13 Health Institute to the community agency; and be it further

14 **Sec. 7. Project evaluation. Resolved:** That an evaluation and  
15 plan of action, when appropriate, must be conducted every 2  
16 months during the biennium using an evaluator and an advisory  
17 group consisting of representatives of consumers of mental health  
18 services, the collective bargaining units representing state  
19 employees, the Department of Mental Health and Mental Retardation  
20 and the administration of the community agency. One half of the  
21 members of the advisory group must be consumers of mental health  
22 services and of those consumers one half of the members must be  
23 primary consumers in the alternative living program. All aspects  
24 of the program and its services must be evaluated, including, but  
25 not limited to, the community agency's administration of the  
26 program pursuant to section 8. Patient confidentiality must be  
27 maintained as appropriate in carrying out the purposes of this  
28 section and section 8; and be it further

30 **Sec. 8. Administration. Resolved:** That the community agency is  
31 responsible for administering the program and for the supervision  
32 of all employees of the project subject to applicable collective  
33 bargaining agreements. In administering the program, the  
34 community agency shall use the patient abuse grievance procedures  
35 provided in the consent decree including, but not limited to:

38 1. Allegations of patient abuse in the program must be  
39 heard by an impartial 3rd party agreed upon by the advisory  
40 committee described in section 7;

42 2. Processing of consumer grievances involving patient  
43 abuse must be in accordance with the consent decree. The  
44 standards must be formulated by the Commission on Mental Health  
45 and submitted to the Master for approval; and

46 3. Allegations of serious patient abuse may result in  
47 immediate suspension of the employee in question with pay until a  
48 finding is made; and be it further

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2                   **Sec. 9. Transfer of personnel. Resolved:** That positions within  
3 the project may be filled with state employees who want to  
4 transfer from the alternative living program at the Augusta  
5 Mental Health Institute. Remaining positions may be filled from  
6 qualified employees of the Augusta Mental Health Institute.  
7 Employees in these positions are entitled to be treated as state  
8 employees and retain status as members of their collective  
9 bargaining and organizational units and retain the rights,  
10 privileges and benefits provided by the collective bargaining  
11 agreements of their respective collective bargaining units.  
12 These employees remain members of the Maine State Retirement  
13 System and retain all their rights as members of that system; and  
14 be it further

15                   **Sec. 10. Cooperation with state agencies. Resolved:** That the  
16 Department of Mental Health and Mental Retardation, Bureau of  
17 Mental Health and the Department of Administration, Bureau of  
18 Human Resources and Bureau of Employee Relations shall cooperate  
19 with the community agency and shall provide assistance as  
20 requested by the community agency in carrying out the  
21 responsibilities transferred to it in this resolve; and be it  
22 further

23                   **Sec. 11. Liability. Resolved:** That the Legislature shall  
24 provide for liability protection for the directors, officers and  
25 community agency employees involved in the administration of the  
26 project; and be it further

27                   **Sec. 12. Enforcement of contracts. Resolved:** That the director  
28 of the community agency shall use the services of the Department  
29 of Administration, Bureau of Employee Relations to enforce labor  
30 contracts existing on the effective date of this resolve; and be  
31 it further

32                   **Sec. 13. Repeal. Resolved:** That this resolve is repealed on  
33 July 1, 1993.

34                   **Emergency clause.** In view of the emergency cited in the  
35 preamble, this resolve takes effect when approved.

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38                   **STATEMENT OF FACT**

39                   This resolve establishes a pilot project that involves  
40 transferring responsibility for the alternative living program  
41 currently at the Augusta Mental Health Institute to a private  
42 provider and retraining state employees to provide a  
43 community-based perspective.  
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