

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
115TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1637, L.D. 2300, Bill, "An Act to Prohibit the State from Entering into Residential Treatment Facility Contracts That Give Preference to Former Patients of State Mental Health Institutes"

Amend the bill by striking out the title and substituting the following:

'An Act to Prohibit the State from Entering into Contracts That Deprive Certain Persons of Residential Care Facility Services'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 34-B MRSA §3607 is enacted to read:

§3607. Contracts with residential care facilities

The department may not enter into a contract with a residential care facility if the contract will result in persons who are not members of the class under the settlement agreement issued by the Superior Court, Kennebec County Civil, Action Docket No. 89-88, being deprived of services solely because they are not members of the class. This section does not prevent the department from entering into contracts for residential services for specific individual class members as a part of the individualized planning process required by the settlement agreement.'

STATEMENT OF FACT

This bill places into the statutes related to contracting for residential care facilities the requirement of the settlement

**COMMITTEE AMENDMENT**

COMMITTEE AMENDMENT "A" to H.P. 1637, L.D. 2300

2 agreement in Bates, et al. v. Glover et al. that services may not  
be denied to persons who are not members of the class in that  
4 case solely because they are not members of the class. It also  
clarifies that this requirement does not prohibit the Department  
6 of Mental Health and Mental Retardation from entering into  
contacts for residential services for specific class members as  
part of the individualized planning process.

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Reported by the Minority of the Committee on Human Resources  
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House

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