

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 473

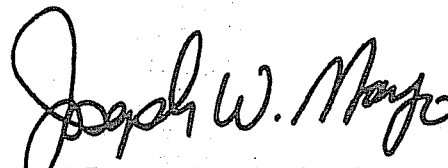
H.P. 370

House of Representatives, February 11, 1993

**An Act to Prevent the State from Discharging People from State
Institutions without Adequate Provision for Alternative Services.**

(EMERGENCY)

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


JOSEPH W. MAYO, Clerk

Presented by Representative LEMKE of Westbrook.
Cosponsored by Senator LUTHER of Oxford and
Representatives: ADAMS of Portland, ALIBERTI of Lewiston, CARROLL of Gray, COTE of
Auburn, GEAN of Alfred, HALE of Sanford, HATCH of Skowhegan, HOLT of Bath, JALBERT
of Lisbon, LARRIVEE of Gorham, LIBBY of Kennebunk, LIBBY of Buxton, LORD of
Waterboro, MARTIN of Van Buren, OLIVER of Portland, RICHARDSON of Portland,
RYDELL of Brunswick, STEVENS of Sabattus, SWAZEY of Bucksport, TRACY of Rome,
YOUNG of Limestone, Senators: ESTY of Cumberland, SUMMERS of Cumberland.

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

4 Whereas, the Department of Mental Health and Mental
6 Retardation is discharging people from state institutions without
adequate provision for their needs; and

8 Whereas, former residents of state institutions are
10 endangering themselves because they do not have appropriate
supervision; and

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

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

20 **Sec. 1. 34-B MRS §1437 is enacted to read:**

22 **§1437. Conditions leading to discharge**

24 **1. Requirements.** Notwithstanding any other provision of law,
26 the department may not recommend discharge of a resident or
patient from the Augusta Mental Health Institute, the Bangor
28 Mental Health Institute or Pineland Center unless the department
has:

30 **A.** Prepared a plan that specifically lists all the services
32 the resident or patient needs to succeed in a community
setting, including the level of ongoing supervision that is
34 recommended;

36 **B.** Made definite arrangements for the provision of all the
services listed in the plan; and

38 **C.** Ensured that funds are available to provide all the
40 services listed in the plan.

42 **2. Individual rights not impinged.** Nothing in this section
44 prevents a patient or resident on voluntary status from leaving a
state institution.

46 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.

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STATEMENT OF FACT

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6 This bill requires that, prior to recommending discharge
8 from a state institution, the Department of Mental Health and
10 Mental Retardation prepare an individual plan for a resident that
specifies the resident's needs, arranges for delivery of needed
services and ensures that funds are available for the services.