

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 616

H.P. 479

House of Representatives, February 23, 1993

**An Act to Reestablish Pineland Center as a Training, Education,
Research and Treatment Center.**

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative CARROLL of Gray.
Cosponsored by Senator CLEVELAND of Androscoggin and
Representatives: ALIBERTI of Lewiston, BARTH of Bethel, BRENNAN of Portland, BRUNO
of Raymond, CHONKO of Topsham, CLARK of Millinocket, CLOUTIER of South Portland,
COFFMAN of Old Town, CROSS of Dover-Foxcroft, ERWIN of Rumford, FAIRCLOTH of
Bangor, FITZPATRICK of Durham, GAMACHE of Lewiston, GEAN of Alfred, GWADOSKY
of Fairfield, HICHBORN of Howland, HUSSEY of Milo, JALBERT of Lisbon, KERR of Old
Orchard Beach, KETTERER of Madison, LORD of Waterboro, MARSH of West Gardiner,
MARTIN of Eagle Lake, MICHAUD of East Millinocket, MITCHELL of Vassalboro,
MORRISON of Bangor, NADEAU of Saco, O'GARA of Westbrook, OLIVER of Portland,
PARADIS of Augusta, PFEIFFER of Brunswick, POULIOT of Lewiston, RICKER of Lewiston,
RYDELL of Brunswick, STROUT of Corinth, TAYLOR of Cumberland, TREAT of Gardiner,
WALKER of Blue Hill, Senators: AMERO of Cumberland, BALDACCI of Penobscot,
CONLEY of Cumberland, ESTY of Cumberland, HANDY of Androscoggin, McCORMICK of
Kennebec, PARADIS of Aroostook, PEARSON of Penobscot, TITCOMB of Cumberland.

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

4 Sec. 1. 34-B MRSA §1403-A, sub-§1, ¶E is enacted to read:

6 E. Members of the Pineland Center Board of Visitors must be appointed in accordance with section 5402-A, subsection 6.

8 Sec. 2. 34-B MRSA §5402, as amended by PL 1985, c. 776, is repealed.

10 Sec. 3. 34-B MRSA §5402-A is enacted to read:

12 §5402-A. Pineland Center

14 1. Establishment. Pineland Center is established in the
16 Town of New Gloucester for the following purposes:

18 A. To provide professional training and education in the
20 field of mental retardation and other mental impairment
disabilities;

22 B. To research the causes, prevention and treatment of
24 mental retardation and other mental impairment disabilities;
and

26 C. To provide residential care for a limited number of
28 people with mental retardation or other mental impairment
disabilities for whom appropriate services are not currently
available in community settings.

30 2. Superintendent. The chief administrative officer of
32 Pineland Center is the superintendent. The commissioner shall
34 appoint and set the salary of the superintendent with the advice
36 of the Maine Advisory Committee on Mental Retardation. The
38 superintendent serves at the pleasure of the commissioner. To
40 qualify for appointment as superintendent, a person must have
training and experience in the field of mental retardation and
must be a physician, hospital administrator or psychologist or a
person with a master's degree in education, social work, public
administration, public health or rehabilitation.

42 3. Professional training and education. The superintendent
44 shall establish affiliations with the University of Maine System,
46 the Maine Technical College System, one or more medical colleges,
48 one or more teaching hospitals, the Maine Criminal Justice
Academy and other educational organizations to provide on-site
education and skill development in the areas of mental
retardation and other mental impairment disabilities. As
resources permit, the superintendent shall establish educational
programs in accordance with the following.

2 A. Degree programs, residency and internship programs,
4 certificate programs, continuing education credit programs
6 and conferences must be offered to full-time and part-time
 students, professionals, family members of people with
 mental retardation, staff of community-based agencies and
 Pineland staff.

8 B. Specialized training in mental retardation and other
10 mental impairment disabilities must be offered for
12 physicians, psychologists, social workers, advocates, family
14 members, dentists, occupational therapists, speech
16 therapists, physical therapists, recreational therapists,
 nurses, nutritionists, public safety officials, municipal
 officials, staff of community-based agencies and Pineland
 staff.

18 C. Training and assistance must be provided to direct care
20 staff of Pineland Center who wish to work in a
 community-based agency.

22 D. Students and interns must have the option of attending
24 Pineland Center during the day only or living on the
 premises in student housing.

26 E. Reciprocity in admission must be offered to entities in
28 other New England states that offer similar education and
 training opportunities to Maine residents.

30 4. Research. The superintendent shall establish
32 affiliations with universities, colleges, laboratories and other
34 research centers to collect data and to research the causes,
36 prevention and treatment of mental retardation and other mental
 impairment disabilities. As resources permit, the superintendent
 shall establish research activities in accordance with the
 following.

38 A. Before implementing any research that involves human
40 subjects, approval must be obtained in accordance with the
 Pineland Consent Decree, Appendix A, Part P, paragraph 4.

42 B. Research may address, but is not limited to, genetics,
44 epilepsy, gerontology, fetal alcohol and drug effects,
46 behavior modification, lead and other environmental hazards,
 meningitis and other infectious diseases, communication,
 psychology, neurology, testing and assessment, quality
 assurance and program evaluation.

48 C. Genetics testing and counseling must be offered to the
50 public.

52 5. Residential care. Pineland Center shall provide
 residential care and habilitation services to people with mental
 retardation or other mental impairment disabilities who are 18

2 years of age or older and for whom appropriate services are not
4 available in community settings. The superintendent shall ensure
6 that, to the greatest extent practicable, efforts are made to
8 integrate residents into community-based employment and day
10 programs. Pineland Center may provide the following types of
12 residential care:

14 A. Scheduled or emergency respite care;

16 B. Short-term residential care for persons in transition or
18 in crisis;

20 C. Long-term residential care for persons who need services
22 that are not currently available in community settings; and

24 D. Care described in paragraph A, B or C to out-of-state
26 residents at a rate established by the superintendent.

28 6. Board of visitors. Of the 5 people appointed to the
30 Pineland Center Board of Visitors pursuant to section 1403-A, at
32 least one must be from each of the following:

34 A. The family of a person who resides at Pineland Center at
36 the time of appointment;

38 B. The University of Maine System;

40 C. The Maine Technical College System; and

42 D. A medical college or a teaching hospital.

44 This subsection takes effect on July 1, 1994.

46 7. Funds. The superintendent may accept and expend federal
48 and private funds, charge tuition and establish fees to carry out
50 the purposes of this section. All funds collected in accordance
with this subsection except federal Medicaid funds must be placed
in a special revenue account to be used by Pineland Center to
carry out the purposes of this section. Balances in the special
revenue account do not lapse at the end of the fiscal year, but
carry forward to subsequent years.

Sec. 4. Transfer of positions to community. Funds previously
allocated to any Pineland Center staff position that is
eliminated must be reallocated to the following new
community-based positions until those positions are filled.

1. Fifteen caseworker positions in pay range 22, with 3
assigned to each mental health and mental retardation region;

2 2. Twenty case aide positions in pay range 12, with 4
assigned to each mental health and mental retardation region; and

4 3. Five assistant regional manager positions in pay range
26, with one assigned to each mental health and mental
6 retardation region.

8 The Department of Mental Health and Mental Retardation shall
make every effort to provide the training needed by Pineland
10 Center staff to qualify for new community positions that are
created pursuant to this section.

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STATEMENT OF FACT

16 Currently, Pineland Center provides residential and day
services to approximately 200 people with mental retardation.
18 This bill reestablishes Pineland Center as a facility for
education, research and residential care. Pineland Center will
20 become affiliated with universities, medical schools and research
centers and will house full-time students as well as people with
22 mental retardation or other mental impairment disabilities.
People from a broad range of disciplines will go to Pineland
24 Center to receive specialized training in mental retardation and
other mental impairment disabilities. The bill also changes the
26 composition of the Pineland Board of Visitors to reflect its
expanded role.

28

30 The bill also requires that, as staff positions are
eliminated at Pineland Center, a limited number of new positions
is created in the community, and the Department of Mental Health
32 and Mental Retardation is required to assist displaced Pineland
Center workers in making the transition to community-based
34 employment.