

# MAINE STATE LEGISLATURE

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DATE: March 13, 1995 (Filing No. S- 20 )

**HUMAN RESOURCES**

Reported by: Senator BENOIT of Franklin for the Committee.

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**STATE OF MAINE  
SENATE  
117TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A " to S.P. 28, L.D. 58, Bill, "An Act to Require State or Independent Fair Hearing Examiners in the Grievance Process of the Department of Mental Health and Mental Retardation"

Amend the bill in section one by striking out all of subsection 4 (page 1, lines 6 to 15 in L.D.) and inserting in its place the following:

**'4. Grievance procedures.** The commissioner shall establish procedures for hearing grievances of clients. The procedures must include the opportunity for a timely hearing before a state hearing examiner or an independent fair hearing examiner. The commissioner may contract for the services of the hearing examiner or examiners, who shall conduct all adjudicatory proceedings pursuant to the Maine Administrative Procedure Act and who may not be employees of the Department of Mental Health and Mental Retardation.'

Further amend the bill by inserting at the end before the statement of fact the following:

**'FISCAL NOTE**

The Department of Mental Health and Mental Retardation will incur some minor additional costs to provide a timely hearing before an impartial fair hearing examiner as part of the grievance process. These costs can be absorbed within the department's existing budgeted resources.'

**COMMITTEE AMENDMENT**

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**STATEMENT OF FACT**

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This amendment clarifies the language in the bill and makes no substantive changes. It adds a fiscal note.