

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 58

S.P. 28

In Senate, January 17, 1995

An Act to Require State or Independent Fair Hearing Examiners in the Grievance Process of the Department of Mental Health and Mental Retardation.

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

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator BUSTIN of Kennebec.
Cosponsored by Senator: FAIRCLOTH of Penobscot, Representatives: FITZPATRICK of Durham, MORRISON of Bangor, TREAT of Gardiner.

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

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Sec. 1. 34-B MRSA §1203, sub-§4, as enacted by PL 1983, c. 459, §7, is amended to read:

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 an independent fair hearing examiner or examiners, who must be required by the contract to conduct impartial adjudicatory proceedings pursuant to the Maine Administrative Procedure Act. No state hearing examiner or independent fair hearing examiner may be an employee of the Department of Mental Health and Mental Retardation.

STATEMENT OF FACT

This bill provides for a state hearing examiner or an independent fair hearing examiner to be part of any grievance resolution for recipients of services from the Department of Mental Health and Mental Retardation. It allows the Commissioner of Mental Health and Mental Retardation to contract for these services outside of the department, including the private sector, if a state examiner is not available.