

MAINE STATE LEGISLATURE

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DATE: 4/25/95

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HUMAN RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 456, L.D. 622, Bill, "An Act to Expand the Jurisdiction of the Consumer Advisory Board of the Department of Mental Health and Mental Retardation by Giving Board Members and Its Staff Direct Access to All Areas of Agencies That Serve People with Autism"

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

'An Act to Expand the Jurisdiction of the Consumer Advisory Board of the Department of Mental Health and Mental Retardation by Giving Board Members and its Staff Direct Access to All Areas of Agencies that Serve Clients of the Department of Mental Health and Mental Retardation and People with Autism'

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 §1216, as enacted by PL 1989, c. 349, §2, is amended to read:

§1216. Consumer Advisory Board

1. Responsibilities. The Consumer Advisory Board, as established by the ~~Pineland--Consent--Decree~~ community consent decree, Consumer Advisory Board et al. v. Glover, No. 91-321-P-C (D. Me., September 28, 1994), functions as an independent oversight body which that carries out responsibilities pursuant to ~~appendices A and B of this section~~, the consent decree and subsequent agreements approved by the United States District Court for the District of Maine. The Consumer Advisory Board may review alleged abuse, exploitation or neglect or an alleged dehumanizing practice or violation of rights of any client of the

COMMITTEE AMENDMENT

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2 Division of Mental Retardation. The Consumer Advisory Board
3 shall promote the normalization and habilitation of persons with
4 mental retardation or autism.

6 **2. Maine Tort Claims Act.** The Consumer Advisory Board
7 members and staff act as employees of the State, as defined in
8 Title 14, section 8102, subsection 1, when engaged in official
9 duties specified in the consent judgment or this section or
10 assigned by the board.

12 **3. Access to information.** With regard to any institution,
13 facility, agency or other provider serving clients of the
14 Division of Mental Retardation or when any client of the division
15 resides or participates in work or in a program, the Consumer
16 Advisory Board members and staff must be given direct access to
17 all living, work and program areas and to all living, work and
18 program area records, including, but not limited to, records
19 related to any personal planning process, and must be given
20 access to the personnel, but not personnel records. The chief
21 advocate of the Department of Mental Health and Mental
22 Retardation may release to the Consumer Advisory Board
23 information pertaining to alleged abuse, exploitation or neglect
24 or an alleged dehumanizing practice or violation of rights of a
25 person with mental retardation or autism. The Consumer Advisory
26 Board shall keep any confidential information disclosed to it or
27 discovered by it confidential, as required by section 1207.

28 **4. Repeal.** This section is repealed one year after the
29 United States District Court releases the State from all
30 obligations under the community consent decree, Consumer Advisory
31 Board et al. v. Glover, No. 91-321-P-C (D. Me., September 28,
32 1994).

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

FISCAL NOTE

38 The additional costs associated with the expansion of the
39 jurisdiction of the Consumer Advisory Board can be absorbed by
40 the Department of Mental Health and Mental Retardation utilizing
41 existing budgeted resources.'

STATEMENT OF FACT

44 This amendment accomplishes the following.

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48 1. It changes an error in a date in the Maine Revised
49 Statutes, Title 34-B, section 1216, subsection 1.

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COMMITTEE AMENDMENT "A" to H.P. 456, L.D. 622

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2. It restricts the persons who may receive services to clients of the Division of Mental Retardation.

3. It restricts access to areas, records and personnel of institutions, facilities, agencies and other providers administered by the Division of Mental Retardation or when any client of the division resides or participates in work or in a program.

4. It adds a repeal date to Title 34-B, section 1216 of one year after the United States District Court releases the State from its obligations under the community consent decree.

5. It adds a fiscal note to the bill.