

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 622

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H.P. 456

House of Representatives, February 23, 1995

**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.**

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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 DAGGETT of Augusta.  
Cosponsored by Senator BUSTIN of Kennebec.

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

4 **Sec. 1. 34-B MRSA §1216**, as enacted by PL 1989, c. 349, §2,  
is amended to read:

6 **§1216. Consumer Advisory Board**

8 **1. Responsibilities.** The Consumer Advisory Board, as  
established by the ~~Pineland--Consent--Decree~~ community consent  
10 decree, Consumer Advisory Board et al. v. Glover, No. 91-321-P-C  
(D. Me. June 17, 1982), functions as an independent oversight  
12 body ~~which that~~ carries out responsibilities pursuant to  
~~appendices A and B of this section~~, the consent decree and  
14 subsequent agreements approved by the United States District  
Court for the District of Maine. The Consumer Advisory Board may  
16 review alleged abuse, exploitation or neglect or an alleged  
dehumanizing practice or violation of rights of a person with  
18 mental retardation or autism. The Consumer Advisory Board shall  
promote the normalization and habilitation of persons with mental  
20 retardation or autism.

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

28 **3. Access to information.** Consumer Advisory Board members  
and staff must be given direct access to all living, work and  
30 program areas, and to all living, work and program area records,  
including, but not limited to, records related to any personal  
32 planning process, of all persons with mental retardation or  
autism. Consumer Advisory Board members and staff must be given  
34 access to the personnel, but not the personnel records, of any  
institution, facility or agency serving persons with mental  
36 retardation or autism. The chief advocate of the Department of  
Mental Health and Mental Retardation may release to the Consumer  
38 Advisory Board information pertaining to alleged abuse,  
exploitation or neglect or an alleged dehumanizing practice or  
40 violation of rights of a person with mental retardation or  
autism. The Consumer Advisory Board shall keep any confidential  
42 information disclosed to it or discovered by it confidential, as  
required by section 1207.

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46  
48 **STATEMENT OF FACT**

50 This bill recognizes the new community consent decree that  
replaced the Pineland Consent Decree and gives oversight

2 responsibility for all persons in this State with mental  
retardation or autism to the Consumer Advisory Board.