

# MAINE STATE LEGISLATURE

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DATE: 4-8-97

(Filing No. H-158)

HEALTH AND HUMAN SERVICES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 81, L.D. 106, "Resolve, Establishing the Commission to Review the Effectiveness of Statewide Confidentiality Laws Dealing with the Care of People with Mental Illness"

Amend the resolve by striking out everything after the title and before the summary and inserting in its place the following:

Sec. 1. Commission established. Resolved: That the Commission to Review the Effectiveness of Statewide Confidentiality Laws Dealing with the Care of People with Mental Illness, referred to in this resolve as the "commission," is established; and be it further

Sec. 2. Membership. Resolved: That the commission consists of 24 members.

1. The Governor shall appoint the following 4 members: one representative of the Department of the Attorney General; one representative of the Department of Mental Health, Mental Retardation and Substance Abuse Services; one representative of the Department of Corrections; and one representative of the Department of Human Services.

2. The President of the Senate and the Speaker of the House shall jointly appoint the following 20 members:

A. One attorney in private practice;

COMMITTEE AMENDMENT

- 2 B. Three providers of mental health services, one  
3 representing providers of substance abuse services and 2  
4 representing community mental health centers;
- 6 C. One representative of the Maine Hospital Association;
- 8 D. One representative of the Maine Psychiatric Association;
- 10 E. One representative of the Maine Police Chief's  
11 Association;
- 12 F. One representative of the Maine Sheriff's Association;
- 14 G. Two consumers of mental health services;
- 16 H. One consumer of substance abuse treatment services as  
17 related to mental illness;
- 20 I. One family member of a consumer of mental health  
21 services;
- 22 J. One representative of Maine Advocacy Services;
- 24 K. Three members of the general public with interest in the  
25 laws on confidentiality relating to the care of persons with  
26 mental illness;
- 28 L. Two representatives of state employee labor unions; and
- 30 M. Two members of the Joint Standing Committee on Health  
31 and Human Services, one of whom must be a Senator and one of  
32 whom must be a member of the House of Representatives, these  
33 members must represent each major political party; and be it  
34 further

36 **Sec. 3. Appointments. Resolved:** That all appointments must be  
37 made no later than 30 days following the effective date of this  
38 resolve. The appointing authorities shall notify the Executive  
39 Director of the Legislative Council upon making their  
40 appointments. When the appointment of all members is complete,  
41 the Chair of the Legislative Council shall call and convene the  
42 first meeting of the commission no later than October 15, 1997.  
43 The commission shall select a chair from among its members; and  
44 be it further

46 **Sec. 4. Duties. Resolved:** That the commission shall examine  
47 state and federal confidentiality laws and regulations relating  
48 to information about, and records of, treatment of persons  
49 receiving mental health services and procedures that  
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could be used to enable the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to communicate with the Joint Standing Committee on Health and Human Services as required for the accomplishment of the committee's oversight responsibilities; and be it further

**Sec. 5. Staff assistance. Resolved:** That the commission shall request staffing and clerical assistance from the Legislative Council; and be it further

**Sec. 6. Compensation. Resolved:** That the members, including Legislators, who are not employees of the State are entitled to a per diem and expenses equal to the legislative per diem and expenses; and be it further

**Sec. 7. Report. Resolved:** That the commission shall submit its report with any accompanying legislation to the Second Regular Session of the 118th Legislature by January 1, 1998. If the commission requires an extension, it may apply to the Legislative Council, which may grant the extension; and be it further

**Sec. 8. Appropriation. Resolved:** That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1997-98

**LEGISLATURE**

**Commission to Review the Effectiveness of Statewide Confidentiality Laws Dealing with the Care of People with Mental Illness**

Personal Services	\$4,400
All Other	4,500

Provides funds for the per diem and expenses of nonstate employee members and miscellaneous costs, including printing, of the Commission to Review the Effectiveness of Statewide Confidentiality Laws Dealing with the Care of People with Mental Illness.

**LEGISLATURE  
TOTAL**

\$8,900'

Further amend the resolve by inserting at the end before the summary the following:

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**FISCAL NOTE**

**1997-98**

**APPROPRIATIONS/ALLOCATIONS**

General Fund \$8,900

The Legislature will require a General Fund appropriation of \$8,900 in fiscal year 1997-98 for the per diem and expenses of certain members and miscellaneous costs of the Commission to Review the Effectiveness of Statewide Confidentiality Laws Dealing with the Care of People with Mental Illness. The additional costs associated with providing staff and clerical assistance can be absorbed by the Legislature utilizing existing budgeted resources.

The Department of the Attorney General, the Department of Mental Health, Mental Retardation and Substance Abuse Services, the Department of Corrections and the Department of Human Services will incur some minor additional costs to participate as members of the commission. These costs can be absorbed within existing budgeted resources of these departments.'

**SUMMARY**

This amendment expands the membership of the Commission to Review the Effectiveness of Statewide Confidentiality Laws Dealing with the Care of People with Mental Illness and extends the commission's duties to include procedures that could be used to enable the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to communicate with the Joint Standing Committee on Health and Human Services as required for the accomplishment of the committee's oversight responsibilities. It also adds an appropriation section and a fiscal note to the resolve.