

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 888

S.P. 280

In Senate, February 6, 1997

An Act to Provide for Notification to Local Officials upon the Release of Potentially Violent Patients from State Mental Health Institutions.

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BENOIT of Franklin.
Cosponsored by Representatives: LOVETT of Scarborough, WATERHOUSE of Bridgton,
WHEELER of Bridgewater, WINGLASS of Auburn.

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

2
3 **Sec. 1. 34-B MRSA §3870, sub-§1, ¶B,** as enacted by PL 1983, c.
4 459, §7, is amended to read:

6 B. Before release on convalescent status under this
7 section, the chief administrative officer of a state mental
8 health institute shall make a good faith attempt to notify,
9 by telephone, personal communication or letter, of the
10 intent to release the patient on convalescent status and of
11 the plan of treatment, if any:

12 (1) The parent or guardian of a minor patient;

14 (2) The legal guardian of an adult incompetent
15 patient, if any is known; or

18 (3) The spouse or adult next of kin of an adult
19 competent patient, if any is known, unless the patient
20 requests in writing that the notice not be given.

22 Regarding the release of a patient hospitalized because the
23 patient presented a danger to others, the State Police and
24 the county and local law enforcement authorities of the
25 prior residence of the patient, residence of any victim of a
26 crime committed by the patient and intended residence of the
27 patient must also be notified.

28
29 **Sec. 2. 34-B MRSA §3871, sub-§5, ¶A,** as amended by PL 1995, c.
30 496, §8, is further amended to read:

32 A. When a patient is discharged under this section, the
33 chief administrative officer of the hospital shall
34 immediately make a good faith attempt to notify the
35 following people, by telephone, personal communication or
36 letter, that the discharge has taken or will take place:

38 (1) The parent or guardian of a minor patient;

40 (2) The guardian of an adult incompetent patient, if
41 any is known; or

42 (3) The spouse or adult next of kin of an adult
43 competent patient, if any is known, unless the patient
44 requests in writing that the notice not be given or
45 unless the patient was transferred from or will be
46 returned to a state correctional facility.

48
49 Regarding the release of a patient hospitalized because the
50 patient presented a danger to others, the State Police and

2 the county and local law enforcement authorities of the
3 prior residence of the patient, residence of any victim of a
4 crime committed by the patient and intended residence of the
5 patient must also be notified.

6
7
8 **SUMMARY**

10 This bill requires notification to the State Police and
11 county and local law enforcement authorities when a mental health
12 patient is released from a state mental health institution if
13 that patient was hospitalized because the patient presented a
14 danger to others.