

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 528

H.P. 397

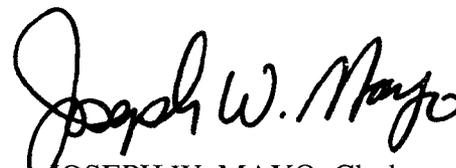
House of Representatives, January 19, 1999

**An Act to Implement the Recommendations of the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services Relating to the Department of Mental Health, Mental Retardation and Substance Abuse Services.**

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Reported by Representative FULLER for the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services pursuant to Resolve 1997, chapter 120.

Reference to the Joint Standing Committee on Health and Human Services suggested and printing ordered under Joint Rule 218.

  
JOSEPH W. MAYO, Clerk

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

2  
4       **Sec. 1. 34-B MRSA §1205, sub-§3, ¶¶F and G, as enacted by PL 1989, c. 7, Pt. N, §3, are amended to read:**

6           F. Make and publish reports necessary to the performance of  
8           the duties described in this section. The chief advocate may  
10           report findings of the office to groups outside the  
12           department, such as legislative bodies, advisory committees,  
14           commissions, law enforcement agencies and the press, and may  
16           authorize the advocates in the Office of Advocacy to so  
18           communicate. ~~At least annually, the chief advocate shall  
20           report both in person and in writing to the joint standing  
22           committee of the Legislature having jurisdiction over mental  
24           health and mental retardation; and~~

18           G. Negotiate joint working agreements with the Department  
20           of Human Services concerning procedures and respective  
22           responsibilities for conducting investigations in state  
24           institutions of allegations of abuse pursuant to the Child  
26           and Family Services and Child Protection Act, Title 22,  
28           chapter 1071; and

24       **Sec. 2. 34-B MRSA §1205, sub-§3, ¶H is enacted to read:**

26       H. Beginning January 15, 1999 and annually thereafter, make  
28       annual reports before January 15th each year, both in person  
30       and in writing, to the joint standing committee of the  
32       Legislature having jurisdiction over mental health and  
34       mental retardation matters. At a minimum, the report must  
36       contain information related to:

34           (1) The number of complaints made to the office;

36           (2) The actions taken by the office on behalf of  
38           clients of the department;

40           (3) The numbers of hearings or grievance procedures of  
42           the department when the office represented clients;

44           (4) The numbers of referrals the office made to other  
46           advocacy agencies; and

48           (5) The development of written protocols and policies  
50           between the office and the State's designated federal  
          protection and advocacy agency for individuals with  
          disabilities regarding the relationship between the  
          office and the agency and the distinction between the  
          services provided to individuals by these 2 entities.

2           **Sec. 3. Biennial reporting requirement.** Beginning in January  
 3 2001 and biennially thereafter, the Department of Mental Health,  
 4 Mental Retardation and Substance Abuse Services shall report to  
 5 the joint standing committee of the Legislature having  
 6 jurisdiction over mental health, mental retardation and substance  
 7 abuse matters regarding the ombudsman programs and advocacy  
 8 services offered to clients of the department and the utilization  
 and effectiveness of these programs and services.

10           **Sec. 4. Appropriation.** The following funds are appropriated  
 11 from the General Fund to carry out the purposes of this Act.

	1999-00	2000-01
<b>MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES, DEPARTMENT OF</b>		
<b>Office of Advocacy - DMHMRSAS</b>		
Positions - Legislative Count	(3,000)	(3,000)
Personal Services	\$113,222	\$113,222
All Other	18,000	12,000
Provides funds for 3 Advocate positions: 2 Advocate positions for children's services and one Advocate position for adult recipients of mental health services in the community.		
<b>DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES</b>		
<b>TOTAL</b>	<u>\$131,222</u>	<u>\$125,222</u>

38           **Sec. 5. Appropriation.** The following funds are appropriated  
 39 from the General Fund to carry out the purposes of this Act.

	1999-00	2000-01
<b>MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES, DEPARTMENT OF</b>		
<b>Disability Rights Center</b>		

