MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 706

H.P. 499

House of Representatives, January 26, 1999

An Act to Expedite Treatment of Certain Persons with Mental Illness.

Reference to the Committee on Judiciary suggested and ordered printed.

OSEPH W. MAYO, Clerk

Presented by Representative SKOGLUND of St. George. Cosponsored by Senator KILKELLY of Lincoln and Representatives: BROOKS of Winterport, DESMOND of Mapleton, FULLER of Manchester, GERRY of Auburn, MURPHY of Berwick, SAXL of Bangor.

Be	it enacted by the People of the State of Maine as follows:
	Sec. 1. 18-A MRSA §5-106 is enacted to read:
§ 5-	106. Agreement for mental health treatment
	A person with mental illness who has the capacity to make
daa	isions may voluntarily sign a consent form consenting to
	tal health treatment under which, when that person's condition
	situation changes, that person is provided with mental health
	eatment.
	1. Consent form. A consent form must contain the following:
	A. The name and signature of the person with mental
	illness, referred to in this section as the "subject," a
	statement that the subject has the capacity to make
	decisions and the date that the subject signs the consent
	form:
	B. The names of 2 or more individuals to be designated as
	certifying individuals under subsection 2;
	C. The condition or situation identified as a precondition
	to the mental health treatment being applied for and ordered
	by the court;
	D. The types of mental health treatment or services that
	<pre>may be provided pursuant to the limited mental health quardianship;</pre>
	<u>quar dransmip;</u>
	E. Whether treatment or services are to be provided in a
	public or private mental health or health care institution
	or in a community setting;
	F. Space for the signature of a notary public; and
	F. Space for the certifying individuals to certify that
	mental health treatment or services are required and for
	their signatures and the date.
	2. Filing of agreement for limited mental healt
	eatment. When an agreement for mental health treatment has
	en signed pursuant to subsection 1, the agreement for limited
	ntal health treatment may be filed with the Probate Court of
	e county in which the subject resides or receives mental healt eatment or services.
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	3. Certification of need for treatment or services. When
the	e condition or situation identified in subsection 1, paragraph
	occurs, 2 or more of the certifying individuals named in the
	nsent form may certify:

2	Α.	That	the	subject	is	in	need	of	mental	health	treatment
	or s	servic	es;	and							

- B. That the precondition stated in subsection 1, paragraph C has occurred.
- 4. Authorization to transport. A law enforcement officer or mental health provider licensed under Title 32 may transport the subject of an agreement for mental health treatment under authority of the agreement for the purpose of securing mental health treatment.
 - 5. Immunity from liability. Persons who certify that the subject is in need of mental health treatment or services and persons and public or private entities that provide mental health treatment or services pursuant to an agreement for mental health treatment are immune from civil or criminal liability for acts performed in good faith in relation to the agreement.

- 6. Review rights. A person who is the subject of an agreement for mental health treatment may petition the court for review of the mental health treatment and services provided or requested to be provided under the agreement. Persons aggrieved by a decision of the court may appeal the decision to the Supreme Judicial Court under section 1-308.
- 7. Termination of authorization. The authorization of the persons certifying the need for mental health under subsection 3 to secure treatment ends when a mental health provider licensed under Title 32 determines that the subject of the agreement is competent to make decisions.

SUMMARY

This bill provides for a voluntary agreement for mental health treatment or services. The procedure allows a person with mental illness who has the capacity to make decisions to voluntarily sign a form naming individuals who may later certify that the person requires mental health treatment or services. The agreement form includes the types of treatment that may be provided and the institutional or community setting for that treatment. The bill provides for filing with the Probate Court and a right of review with the court. The bill allows mental health providers or law enforcement officers to transport the person to obtain treatment. Persons certifying the need for treatment or services and persons or entities providing treatment or services are immune from civil or criminal liability for acts performed in good faith.