

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.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH 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:

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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 decisions may voluntarily sign a consent form consenting to mental health treatment under which, when that person's condition or situation changes, that person is provided with mental health treatment.

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 may be provided pursuant to the limited mental health guardianship;

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 health treatment. When an agreement for mental health treatment has been signed pursuant to subsection 1, the agreement for limited mental health treatment may be filed with the Probate Court of the county in which the subject resides or receives mental health treatment or services.

3. Certification of need for treatment or services. When the condition or situation identified in subsection 1, paragraph C occurs, 2 or more of the certifying individuals named in the consent form may certify:

