

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 1760

H.P. 1231

House of Representatives, March 9, 1999

**Resolve, to Create the Commission to Study the Provision of Mental Health Services to the Elderly.**

(EMERGENCY)

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative POWERS of Rockport.  
Cosponsored by Representatives: BROOKS of Winterport, FULLER of Manchester, MAYO of Bath, PEAVEY of Woolwich, QUINT of Portland, TRUE of Fryeburg, Senator: SMALL of Sagadahoc.

2           **Emergency preamble. Whereas,** Acts and resolves of the  
Legislature do not become effective until 90 days after  
adjournment unless enacted as emergencies; and

4  
6           **Whereas,** this legislation requires that a commission be  
established to study the provision of services to elderly persons  
with mental illness; and

8  
10           **Whereas,** in order for the commission to be convened by  
August 15, 1999 and submit its report by January 1, 2000, as  
required by this legislation, it is necessary for the commission  
12 to be established immediately; and

14           **Whereas,** in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
16 Maine and require the following legislation as immediately  
necessary for the preservation of the public peace, health and  
18 safety; now, therefore, be it

20           **Sec. 1. Commission established. Resolved:** That the Commission  
to Study the Provision of Mental Health Services to the Elderly,  
22 referred to in this resolve as the "commission," is established;  
and be it further

24           **Sec. 2. Membership. Resolved:** That the commission consists  
26 of 12 members appointed as follows:

28           1. Two Legislators who are members of the Joint Standing  
Committee on Health and Human Services and who jointly chair the  
30 commission, one of whom must be a Senator appointed by the  
President of the Senate, and one of whom must be a member of the  
32 House of Representatives appointed by the Speaker of the House;

34           2. The Commissioner of Human Services, or a designee, and  
another representative of the Department of Human Services,  
36 designated by the commissioner;

38           3. The Commissioner of Mental Health, Mental Retardation  
and Substance Abuse Services, or a designee, and a representative  
40 from the Bureau of Substance Abuse Services, designated by the  
Commissioner of Mental Health, Mental Retardation and Substance  
42 Abuse Services;

44           4. Two members representing the community of consumers of  
mental health services, appointed by the Governor;

46  
48           5. Two members representing family members of elderly  
persons with mental illness, appointed by the Governor; and

2           6. Two members representing providers of mental health  
3 services to elderly persons, appointed by the Governor; and be it  
4 further

5           **Sec. 3. Appointments; meetings. Resolved:** That all  
6 appointments must be made no later than 45 days following the  
7 effective date of this resolve. The appointing authorities shall  
8 notify the Executive Director of the Legislative Council upon  
9 making their appointments. When the appointment of all members  
10 is complete, the chairs of the commission shall call and convene  
11 the first meeting of the commission no later than August 15,  
12 1999; and be it further

13           **Sec. 4. Duties. Resolved:** That the commission shall study the  
14 needs of the elderly population with mental illness. In  
15 conducting their study, the commission shall examine:

- 16           1. The demographics of the population under review;
- 17
- 18           2. What services are available, what services are actually  
19 used and what services are needed; and
- 20
- 21           3. The numbers and illnesses of and services provided to,  
22 elderly persons living at home in community settings, nursing  
23 homes, assisted living facilities and residential care facilities.
- 24

25           The commission shall make a report in accordance with  
26 section 8; and be it further

27           **Sec. 5. Staff assistance. Resolved:** That the commission shall  
28 request staff assistance from the Legislative Council; and be it  
29 further

30           **Sec. 6. Meetings. Resolved:** That the commission may meet up  
31 to 4 times; and be it further

32           **Sec. 7. Reimbursement. Resolved:** That the members of the  
33 commission who are Legislators are entitled to receive  
34 reimbursement for mileage and to receive the legislative per  
35 diem, as defined in the Maine Revised Statutes, Title 3, section  
36 2, for each day's attendance at meetings of the commission. The  
37 Executive Director of the Legislative Council shall administer  
38 the commission's budget; and be it further

39           **Sec. 8. Report. Resolved:** That the commission shall submit a  
40 report and any necessary implementing legislation to the Joint  
41 Standing Committee on Health and Human Services by January 1,  
42 2000. The Joint Standing Committee on Health and Human Services  
43 may submit legislation in the Second Regular Session of

2 the 119th Legislature to implement the recommendations of the  
commission.

4 **Emergency clause.** In view of the emergency cited in the  
preamble, this resolve takes effect when approved.

6

8

### SUMMARY

10 This resolve establishes the Commission to Study the  
Provision of Mental Health Services to the Elderly.

12

14 The duties of the commission include studying the needs of  
the elderly population with mental illness. The commission shall  
16 report its findings to the Joint Standing Committee on Health and  
Human Services by January 1, 2000. The Joint Standing Committee  
on Health and Human Services may submit legislation in the Second  
18 Regular Session of the 119th Legislature to implement the  
commission's recommendations.