

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 137

H.P. 126

House of Representatives, January 16, 2001

**An Act to Provide Accountability in the Handling of Funds for
Consumers of Mental Health Services.**

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative SNOWE-MELLO of Poland.
Cosponsored by Representatives: BERRY of Belmont, DAVIS of Falmouth, DUPREY of
Hampden, LOVETT of Scarborough, MacDOUGALL of North Berwick, NUTTING of
Oakland, O'BRIEN of Augusta, SHIELDS of Auburn.

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

4 **Sec. 1. 34-B MRSA §3611 is enacted to read:**

6 **§3611. Requirements for representative payees**

8 The following requirements apply to persons acting as representative payees for consumers of mental health services, as defined in section 3607, subsection 1, paragraph B.

10 1. **Fiduciary responsibility.** A representative payee for a consumer has a fiduciary responsibility to the consumer.

12 2. **Prohibited benefit.** A representative payee for a consumer may not derive any direct monetary benefit from serving as representative payee.

14 3. **Quarterly accounting.** A representative payee shall provide to the consumer an accounting for all funds of the consumer on a quarterly basis.

16 4. **Access to records.** A person providing case management services, as defined in section 3601, subsection 1-A, an employee of the department providing supervision of or reviewing persons or organizations providing publicly funded mental health services or an employee of the Office of Advocacy may examine all financial records regarding the representative payee relationship with a consumer.

18 **SUMMARY**

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32 This bill requires representative payees of consumers of mental health services to perform their duties in the manner of fiduciaries and provide quarterly accountings for all funds. The bill prohibits representative payees from deriving any direct monetary benefit from the relationship. The bill allows a person providing case management services, an employee of the Department of Mental Health, Mental Retardation and Substance Abuse Services providing supervision of or reviewing persons or organizations providing publicly funded mental health services or an employee of the Office of Advocacy to examine all financial records regarding the representative payee relationship.