

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1478

H.P. 1083

House of Representatives, March 31, 2003

**An Act To Change the Membership of the Review Team for
Aversive Behavior Modifications for Persons with Mental
Retardation or Autism**

Submitted by the Department of Behavioral and Developmental Services pursuant to Joint Rule 204.

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CRAVEN of Lewiston.
Cosponsored by Senator BRENNAN of Cumberland and
Representatives: DUGAY of Cherryfield, FAIRCLOTH of Bangor, KANE of Saco,
LAVERRIERE-BOUCHER of Biddeford, LERMAN of Augusta, MILLETT of Waterford,
WALCOTT of Lewiston, Senator: WESTON of Waldo.

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

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Sec. 1. 34-B MRSA §5605, sub-§13, ¶B, as amended by PL 2001,
4 c. 245, §1, is further amended to read:

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B. Treatment programs involving the use of noxious or
8 painful stimuli or other aversive or severely intrusive
techniques may be used only to correct behavior more harmful
10 to the person with mental retardation or autism than is the
treatment program and only:

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(1) On the recommendation of a physician, psychiatrist
or psychologist; and

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(2) With the approval, following a case-by-case
16 review, of ~~the--chief--administrative--officer--of--the~~
~~residential-facility;--a--representative--of--the--person's~~
18 ~~residence;--day-program-or-work-site;~~ an advocate of the
department; a representative of the Division of Mental
20 Retardation; and a representative of the Consumer
Advisory Board.

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SUMMARY

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This bill changes the membership of the review team for
28 aversive behavior modifications for persons with mental
retardation or autism by removing the administrator and
representative of the facility or program.