

# MAINE STATE LEGISLATURE

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Date: 3/28/14

L.D. 1738  
(Filing No. H-764)

JUDICIARY

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
126TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1244, L.D. 1738, Bill, "An Act To Improve Maine's Involuntary Commitment Processes"

Amend the bill by striking out the title and substituting the following:

**'Resolve, Concerning Maine's Involuntary Treatment and Involuntary Commitment Processes'**

Amend the bill by striking out everything after the title and before the summary and inserting the following:

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

**Whereas,** resources to respond to an individual who presents an emergency psychiatric situation at a hospital are currently inadequate; and

**Whereas,** hospitals currently face both practical and legal challenges in responding to individuals who arrive in emergency departments in need of psychiatric treatment when insufficient psychiatric beds are available; and

**Whereas,** the Legislature recognizes the necessity for remedies while protecting the rights of individuals and attempting to address their medical and psychiatric needs; and

**Whereas,** the best solution involves the participation of all those interested in the judicial process concerning detention for emergency responses, involuntary treatment and involuntary commitment; and

**Whereas,** the Chief Justice of the Supreme Judicial Court has offered to convene a working group to examine the immediate and long-term needs and develop short-term and long-term solutions to improve the judicial involuntary commitment and treatment process; and

**Whereas,** it is imperative that this resolve take effect immediately so that the working group can complete its work in time for the committee of jurisdiction to submit legislation to the First Regular Session of the 127th Legislature; and

**COMMITTEE AMENDMENT**

R. 01 S.

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

5           **Sec. 1. Working group convened. Resolved:** That, in accordance with the  
6 offer extended by the Chief Justice of the Supreme Judicial Court in her letter to the Joint  
7 Standing Committee on Judiciary dated March 3, 2014, the Chief Justice or the Chief  
8 Justice's designee shall convene a working group to review the current situation for both  
9 individuals and hospitals when individuals present emergency psychiatric needs in  
10 hospital emergency departments and to develop recommendations for addressing  
11 immediate and long-term needs of individuals, hospitals, psychiatric hospitals and health  
12 care providers. Specifically, the working group shall address the following issues:

13           1. The timing and length of preliminary and follow-up holding and commitment  
14 periods and requirements for involuntary treatment during such periods;

15           2. Process improvements for holding and commitment period determinations;

16           3. The current lack of health care providers available to address compliance with due  
17 process requirements and any procedural changes recommended by the working group;  
18 and

19           4. Any additional recommendations for improvement in the judicial commitment and  
20 involuntary treatment process; and be it further

21           **Sec. 2. Participants. Resolved:** That the Chief Justice of the Supreme Judicial  
22 Court or the Chief Justice's designee may invite the participation of the following in the  
23 working group convened under section 1:

24           A. A representative of an organization representing hospitals with emergency  
25 departments and hospitals with psychiatric units;

26           B. A representative of the Department of Health and Human Services;

27           C. Attorneys who represent patients in the judicial commitment process;

28           D. Disability rights advocates;

29           E. Medical and mental health professionals;

30           F. Mental health advocates;

31           G. Family advocates;

32           H. The Attorney General; and

33           I. Other interested parties; and be it further

34           **Sec. 3. Report. Resolved:** That the working group convened under section 1  
35 shall submit a report of its findings and recommendations, including any legislative  
36 recommendations, by December 15, 2014 to the joint standing committee of the  
37 Legislature having jurisdiction over judiciary matters. The joint standing committee of  
38 the Legislature having jurisdiction over judiciary matters may report out legislation to the  
39 First Regular Session of the 127th Legislature to implement matters relating to the report.





# 126th MAINE LEGISLATURE

LD 1738

LR 2581(02)

**An Act To Improve Maine's Involuntary Commitment Processes**

**Fiscal Note for Bill as Amended by Committee Amendment**

**Committee: Judiciary**

**Fiscal Note Required: Yes**

*A (H-764)*

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## Fiscal Note

Minor cost increase - General Fund

### Fiscal Detail and Notes

The additional costs to the Judicial Department are expected to be minor. If the Department of the Attorney General and the Department of Health and Human Services elect to participate, the additional costs are also minor and can be absorbed utilizing existing budgeted resources.