

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 1090

S.P. 351

In Senate, March 22, 2021

Resolve, To Equitably Fund Legal Fees for Progressive Treatment Programs

Received by the Secretary of the Senate on March 18, 2021. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CLAXTON of Androscoggin.

1 **Sec. 1. Department of Health and Human Services to create progressive**
2 **treatment program pilot project. Resolved:** That the Department of Health and
3 Human Services shall implement a pilot project to fund applicants for the progressive
4 treatment program established in the Maine Revised Statutes, Title 34-B, section 3873-A
5 in accordance with this section.

6 **1. Definitions.** As used in this section, the following terms have the following
7 meanings:

8 A. "Applicant" means a superintendent or chief administrative officer of a nonstate
9 mental health institution or a director of an ACT team.

10 B. "Application" means any application that seeks to admit a patient to a progressive
11 treatment program filed in the District Court in accordance with the Maine Revised
12 Statutes, Title 34-B, section 3873-A.

13 C. "Assertive community treatment" or "ACT" has the same meaning as in the Maine
14 Revised Statutes, Title 34-B, section 3801, subsection 11.

15 D. "Nonstate mental health institution" has the same meaning as in the Maine Revised
16 Statutes, Title 34-B, section 3801, subsection 6.

17 E. "Patient" has the same meaning as in the Maine Revised Statutes, Title 34-B, section
18 3801, subsection 7.

19 F. "Progressive treatment program" has the same meaning as in the Maine Revised
20 Statutes, Title 34-B, section 3801, subsection 7-A.

21 **2. Scope.** The pilot project must fund court and legal fees incurred by an applicant in
22 association with filing and obtaining an order from the District Court to admit a patient to
23 a progressive treatment program.

24 **3. Duration.** The pilot project must commence no later than October 1, 2021 and last
25 for 24 months.

26 **4. Funding source.** The pilot project must be funded from the Medical Use of
27 Marijuana Fund established in the Maine Revised Statutes, Title 22, section 2430 at a cost
28 not to exceed \$250,000.

29 **5. Funding limitation.** The pilot project may provide to an applicant no more than
30 \$800 per application.

31 **6. Report.** The Department of Health and Human Services shall submit a report on
32 the results of the pilot project, including recommendations for continuing the project, to the
33 joint standing committee of the Legislature having jurisdiction over health and human
34 services matters at the conclusion of the pilot project. The joint standing committee of the
35 Legislature having jurisdiction over health and human services matters has authority to
36 report out legislation related to the report to the Second Regular Session of the 131st
37 Legislature.

38 **SUMMARY**

39 This resolve establishes a pilot project within the Department of Health and Human
40 Services to fund court and legal fees incurred by a superintendent or chief administrative
41 officer of a nonstate mental health institution or a director of an assertive community

1 treatment service team in association with filing and obtaining an order from the District
2 Court to admit a patient to a progressive treatment program. The pilot project is funded up
3 to \$250,000 from the Medical Use of Marijuana Fund to provide up to \$800 per application.
4 The department is required to submit a report to the joint standing committee of the
5 Legislature having jurisdiction over health and human services matters at the conclusion of
6 the pilot project. The joint standing committee of the Legislature having jurisdiction over
7 health and human services matters is authorized to report out legislation related to the report
8 to the Second Regular Session of the 131st Legislature.