

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2022

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Legislative Document

No. 1968

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H.P. 1463

House of Representatives, February 10, 2022

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### **An Act To Expand Access to Mental Health and Crisis Care for Individuals in Jails and Individuals Experiencing Homelessness**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative TALBOT ROSS of Portland.

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

2 **CONCEPT DRAFT**

3 **SUMMARY**

4 This bill is a concept draft pursuant to Joint Rule 208.

5 This bill proposes to create pathways to alleviate the crisis of individuals experiencing  
6 homelessness and individuals languishing in the county jail system who are suffering from  
7 acute mental health crises and substance use disorder by implementing the following  
8 measures to improve their access to psychiatric treatment, wraparound services, supportive  
9 housing and other services that are part of the continuum of care:

10 1. Examining and removing barriers to admission to crisis services, psychiatric  
11 facilities, detoxification services and recovery residences;

12 2. Immediately removing barriers to permanent supportive housing by creating  
13 pathways to develop rapid rehousing and affordable housing, including the creation of the  
14 following landlord and developer incentives:

15 A. Incentive points for tax credits applicable to low-income housing to fund permanent  
16 supportive housing with adequate and ongoing support services;

17 B. Project-based rental subsidies to the units dedicated to permanent supportive  
18 housing; and

19 C. The use of available housing funds, including grant funds, to fund permanent  
20 supportive housing with adequate and ongoing support services;

21 3. Providing secure treatment centers for nonviolent individuals in the custody of jails  
22 when diversion is recommended by a prosecutor and approved by a judge, with appropriate  
23 provisions for individuals' consent and procedures if an individual lacks capacity to  
24 consent;

25 4. Funding the hiring and training of 20 additional intensive case managers within the  
26 Department of Health and Human Services, Office of Behavioral Health in order to provide  
27 outreach and support from the time individuals are homeless or incarcerated through when  
28 they are successfully housed, including by interfacing with the community, jails, hospitals  
29 and law enforcement in order to provide continuity in providing wraparound services and  
30 housing;

31 5. Increasing the number of peer coaches to provide mental health services to  
32 individuals by establishing a 30-hour certificate program. The State must pay the cost of  
33 the certificate program upon an individual's completion of the program. The program must  
34 include 2 hours of ethics credits and training on topics related to veterans, diversity and  
35 mental health, including, but not limited to, substance use, post-traumatic stress disorder,  
36 anxiety, depression or other diagnosed conditions, sexual orientation and gender identity,  
37 domestic violence, sexual abuse, trauma, incarceration and individuals with disabilities,  
38 including learning disabilities. The program must include 10 hours of continuing education  
39 annually. The program must be created by a person with a minimum of 10 years'  
40 experience in teaching at an accredited counseling program at an accredited institution of  
41 higher learning. Upon completing the certificate program, the peer coach must be

1 supervised by a licensed counselor, social worker, psychologist or psychiatrist. A peer  
2 coach may submit reimbursement to MaineCare or another government program that pays  
3 for counseling services. A peer coach may not be held liable for any damages related to  
4 providing peer coaching services. A peer coach must be 18 years of age or older and may  
5 not be a registered sex offender;

6 6. Requiring real-time reporting to the Department of Health and Human Services of  
7 available treatment beds in psychiatric facilities and community-based residential treatment  
8 facilities in order to highlight and address the challenges of serving individuals in need of  
9 treatment. At least once every 24 hours, each facility must submit information about its  
10 admissions, including the number of available beds, the number of occupied beds, the  
11 number of staffed beds and an explanation for any beds that are not in use. The department  
12 must make this information available on its publicly accessible website; and

13 7. Amending the Maine Revised Statutes, Title 15, section 101-D in order to:

14 A. Include an assertive community treatment team in the assessment of a defendant for  
15 placement in an appropriate institution for the care and treatment of persons with  
16 mental illness;

17 B. Provide that a defendant may not be placed in a jail or a Department of Corrections  
18 facility unless competency restoration services can be provided in that setting; and

19 C. Ensure that upon an order of commitment from a court, the placement occurs within  
20 30 days.