

# MAINE STATE LEGISLATURE

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ACTS, RESOLVES AND CONSTITUTIONAL RESOLUTIONS

AS PASSED BY THE

One Hundred and Sixth Legislature

OF THE

STATE OF MAINE

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THE KNOWLTON AND McLEARY COMPANY  
FARMINGTON, MAINE  
1973

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PUBLIC LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE  
One Hundred and Sixth Legislature

1973

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## CHAPTER 457

### AN ACT Amending the Laws Relating to Community Mental Health Service.

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

Sec. 1. R. S., T. 5, § 2301, sub-§ 1, amended. Subsection 1 of section 2301 of Title 5 of the Revised Statutes, as amended, is further amended by inserting before the 14th paragraph from the end, the following new paragraph:

The Department of Mental Health and Corrections, but only as that department controls and supervises the licensing of agencies for the provision of mental health services under Title 34, section 2052-A.

Sec. 2. R. S., T. 34, § 2052, repealed and replaced. Section 2052 of Title 34 of the Revised Statutes is repealed and the following enacted in place thereof:

#### § 2052. Powers

The Department of Mental Health and Corrections may provide mental health services throughout the State, and for that purpose may cooperate with other state agencies, municipalities, persons, unincorporated associations and nonstock corporations. The department shall adopt and promulgate rules, regulations and standards relating to the administration of the services authorized by this chapter and to licensing under this chapter. Under this chapter, funds may be granted by the department only to those applicants whose programs provide for adequate standards of professional service. The department may receive and use for the purpose of this chapter money appropriated by the State and grants by the United States Government, gifts from individuals and from any other sources.

Any state department, municipality, other governmental unit or any branch thereof, or any composite thereof, through its authorized representative or governing body approved by the department, may adopt and conduct a program of mental health services established or approved by the department.

The department may make grants of funds to any entity described in this section applying therefor to be used in the conduct of its mental health services.

Sec. 3. R. S., T. 34, § 2052-A, additional. Title 34 of the Revised Statutes is amended by adding a new section 2052-A, to read as follows:

#### § 2052-A. Licensing

On and after July 1, 1974, no person, firm, association or corporation shall operate, conduct or maintain in the State any facility for the provision of mental health services, not otherwise licensed as a hospital or medical care facility, without having in full force, subject to the rules and regulations of the department, a written license therefor from the department. The term of such license shall be for one year and the license may be suspended or revoked for just cause. The annual fee for such license shall be \$25. When any such agency, upon inspection by the department, shall be found not to meet all requirements of this section and departmental regulations there-

under, then the department is authorized to issue either a temporary license for a specified period not to exceed 90 days, during which time corrections specified by the department shall be made by said facility for compliance with this section and departmental regulations thereunder, if in the judgment of the commissioner the best interest of the public will be so served, or a conditional license setting forth conditions which must be met by the agency to the satisfaction of the department or the department may refuse to issue any license. Failure of said agency to meet any of such conditions shall immediately void such conditional license by written notice thereof by the department to the conditional licensee or if the said licensee cannot be reached for personal service by notice thereof left at the licensed premises. The fee for such temporary or conditional license for agencies shall be \$10. A new application for a regular license may be considered by the department if, when and after the conditions set forth by the department at the time of issuance of such temporary or conditional license have been met and satisfactory evidence of this fact has been furnished to the department. When the department believes a license should be suspended or revoked it shall file a statement or complaint with the Administrative Hearing Commissioner designated in Title 5, chapters 301 to 307. A person aggrieved by the refusal of the department to issue a license may file a statement or complaint with said Administrative Hearing Commissioner.

The term "agency for the provision of mental health services" as used in this section shall mean any agency maintained and operated by any person, firm, association or corporation for the purpose of providing out-patient counselling and other psychological and psychiatric, diagnostic or therapeutic services and other allied services. The term "agency for the provision of mental health services" shall not mean the individual or corporate professional practice of any one or more psychologists or any one or more psychiatrists.

Whoever violates this section shall be punished by a fine of not more than \$500 or by imprisonment for not more than 60 days.

Sec. 4. R. S., T. 34, §§ 2053, 2054, 2055, 2056, repealed. Sections 2053, 2054, 2055 and 2056 of Title 34 of the Revised Statutes, as amended, are repealed.

Effective October 3, 1973

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## CHAPTER 458

### AN ACT to Clarify Procedures under the Municipal Public Employees Labor Relation Act.

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

Sec. 1. R. S., T. 26, § 962, sub-§ 2, amended. Subsection 2 of section 962 of Title 26 of the Revised Statutes, as enacted by section 1 of chapter 424 of the public laws of 1969, and as amended by section 13 of chapter 620 of the public laws of 1971, is further amended to read as follows:

2. Bargaining agent. "Bargaining agent" means any lawful organization, association or individual representative of such organization or association