

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature
1ST SPECIAL SESSION
JANUARY 2, 1974 TO MARCH 29, 1974
AND BY THE
One Hundred and Seventh Legislature
REGULAR SESSION
JANUARY 1, 1975 TO JULY 2, 1975

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,
SECTION 164, SUBSECTION 6.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1975

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature

1975

Secretary of State may, after 4 months, restore the license and privilege to operate a motor vehicle, with or without conditions or restrictions and under such terms as he may deem advisable, having in mind the safety of the public and the welfare of the petitioner.

Effective October 1, 1975

CHAPTER 506

AN ACT to Clarify the Laws Relating to Superior Court Commitment of Mentally Disordered Persons.

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

Sec. 1. 15 MRSA § 101, next to last sentence of the 2nd ¶ is amended to read:

Said justice shall then order the person returned to the appropriate court for disposition; however, if the justice ordering commitment for observation has provided for remand to the county jail following completion of the observation in the commitment order, the sheriff or any one or more of his deputies shall execute the remand order upon advice from the commissioner of completion of the observation.

Sec. 2. 15 MRSA § 101, sub-§ 1, 6th sentence, as last repealed and replaced by PL 1973, c. 547, § 2, is amended to read:

If the court determines that the defendant is not competent to stand trial but there does exist a substantial probability that the defendant will be competent to stand trial in the foreseeable future, it shall recommit the defendant to the custody of the Commissioner of Mental Health and Corrections to be placed in an appropriate institution for the mentally ill or the mentally retarded for observation, care and treatment.

Sec. 3. 15 MRSA § 104, last sentence of 2nd ¶, as last repealed and replaced by PL 1973, c. 243, is amended to read:

The nature and scope of the treatment program of persons hospitalized under section 103 preceding release, ~~including the grant of trial visits not exceeding 74 days at any one time~~ which shall be subject in each case to biweekly on-site hospital staff review, shall be determined by the professional hospital staff designated for such purpose by the superintendent.

Effective October 1, 1975

CHAPTER 507

AN ACT Establishing an Office of Advocacy for the Department of Mental Health and Corrections.

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

34 MRSA § 1-A is enacted to read:

§ 1-A. Office of Advocacy

The Office of Advocacy is established within the department to investigate the claims and grievances of clients of the department, and to advocate for compliance by any institution, other facility or agency administered by the department with all laws, administrative rules and regulations and institutional and other policies relating to the rights and dignity of these clients. For the purposes of this section, the word "client" shall mean any person who is under the care, supervision or custody of any institution, facility or agency administered by the department or who is under the public guardianship of the Bureau of Mental Retardation.

A chief advocate, who shall report only to the commissioner, shall direct and coordinate the program of the office and shall, with the approval of the commissioner, select other advocates needed to carry out the intent of this section, who shall report only to the chief advocate. Both the chief advocate and all other advocates shall be classified state employees.

In order to carry out its duties, this office shall have access to the files, records and personnel of any institution, facility or agency administered by the department. Such access shall be limited only by provisions under the law.

The functions of this office shall include, but not be limited to, the following:

1. **Grievance-response mechanism.** This office shall receive or refer complaints made by clients of the department; intercede on behalf of these clients with officials of the institutions, facilities and agencies administered by the department; or assist these clients in the initiation of grievance proceedings which shall be established by the department. The office may, in its discretion, refuse to take action on any complaint which it deems to be trivial or moot or for which there is clearly another remedy available.

2. **Information source regarding clients' rights.** As an information source regarding the rights of all clients, this office shall keep itself informed about all laws, administrative rules and regulations and institutional and other policies relating to the rights and dignity of these clients and about relevant legal decisions and other developments related to the fields of mental health, mental retardation and corrections, both in this State and in other parts of the country.

3. **Reporting function.** The office shall make and publish reports necessary to the performance of the functions under this section. Only the chief advocate may report any findings of the office to groups outside the department, such as legislative bodies, advisory committees to the Governor, boards of visitors, law enforcement agencies and the press.

Any client request for action by this office and all written records or accounts related to such request shall be confidential as to the identity of the client. Such records and accounts shall be released only as provided by law.