

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

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

K.J. Printing Co.
Augusta, Maine
1981

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND TENTH LEGISLATURE

1981

with the intent of subsections 2 to 5, to allow municipalities to withdraw or transfer from or to dissolve the district or keep a municipal elementary school open, may also be substituted as necessary.

Sec. 18. Effective date. This Act shall take effect November 1, 1981, or 90 days after the Legislature adjourns, whichever occurs later.

Effective November 1, 1981

CHAPTER 443

H. P. 912 — L. D. 1078

AN ACT Authorizing and Directing the Bureau of Mental Health to Enhance and Protect the Rights of Recipients of Mental Health Services.

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

34 MRSA § 2004 is enacted to read:

§ 2004. Rules

1. **Rules promulgated.** The Bureau of Mental Health shall promulgate rules, subject to the Maine Administrative Procedure Act, Title 5, chapter 375, for the enhancement and protection of the rights of persons receiving services from the department, from any hospital pursuant to chapter 191 or from any program or facility administered or licensed by the department pursuant to section 2052-A. These rules shall include, but not be limited to, the following:

- A. The right to provision of treatment and related services in the least restrictive appropriate setting;
- B. The right to an individualized treatment or service plan, to be developed with the participation of the client;
- C. Standards for informed consent to treatment and guidelines for exceptions to informed consent as permitted under applicable law or in emergency situations;
- D. Standards for participation in experimentation and research;
- E. Standards pertaining to the use of seclusion and restraint;
- F. The right to appropriate privacy and to a humane treatment environment;
- G. The right to confidentiality of records and procedures pertaining to a person's right to access to his mental health care records;

- H. The right to receive visitors and to communicate by telephone and mail;
- I. Procedures to ensure that clients are notified of their rights;
- J. The right to assistance of a right's protection or advocacy service in the exercise or protection of that person's rights; and
- K. Provision for a fair, timely and impartial grievance procedure for the purpose of ensuring appropriate administrative resolution of grievances with respect to infringement of that person's rights.

2. Public hearing. The bureau shall hold a public hearing prior to adopting these rules. Notice of the public hearing shall be given pursuant to the Maine Administrative Procedure Act, Title 5, section 8053.

3. Legislative review. When a rule is proposed pursuant to this section, a copy of the proposed rule shall be sent to the legislative committee having jurisdiction over health and institutional services.

A copy of any rule adopted by the bureau shall be submitted to the same committee. The committee may review the rule and, if it determines that it should be stricken or amended, the committee may prepare legislation to accomplish that purpose and submit that legislation to the full Legislature in accordance with the legislative rules.

The rule shall remain in effect unless the full Legislature acts to strike or amend it, or it is repealed or amended by the bureau in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II.

Effective September 18, 1981

CHAPTER 444

H. P. 1518 — L. D. 1633

AN ACT to Establish an Emergency Radiological Response System.

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

Sec. 1. 5 MRSA § 1664, 4th ¶, 2nd sentence, as repealed and replaced by PL 1975, c. 515, is amended to read:

These bills shall include General Fund appropriation bills and allocation bills for the following: Highway Fund, Inland Fisheries and Wildlife Fund, Federal Revenue Sharing Fund, Coastal Protection Fund, **Maine Nuclear Emergency Planning Fund** and for the administrative expenses of the Bureau of Alcoholic