

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**SECOND REGULAR SESSION**

**January 5, 1994 to April 14, 1994**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 14, 1994**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1993**

4. Up to an additional 3 days per month may be deducted in the case of those inmates committed to the Department of Corrections who are assigned or participating in work, education or other responsibilities within the institution or program that are determined to be of sufficient importance to warrant those deductions by the institution head in accordance with policy and guidelines established by the Department of Corrections. For the purpose of calculating meritorious good time under this subsection, a month is a calendar month.

A. Deductions made under this subsection must be calculated as follows for partial months.

<u>Days of partial month</u>	<u>Maximum meritorious good time credit available</u>
1 - 10 days	up to 1
11 - 20 days	up to 2
21 - 31 days	up to 3

**Sec. 4. 17-A MRSA §1253, sub-§5,** as amended by PL 1991, c. 259, §2, is further amended to read:

5. In addition to the provisions contained in subsection 4, up to 2 days per month may also be deducted in the case of those inmates assigned to and participating in minimum security or community programs administered by the Department of Corrections. These deductions may also apply in the case of those inmates assigned to or participating in minimum security or community programs through agencies providing services to the Department of Corrections. These deductions may be authorized for work and responsibilities, to include public restitution, that are ~~deemed~~ considered to be of sufficient importance to warrant those deductions by the institution head in accordance with the Department of Corrections policy and guidelines. For the purpose of calculating meritorious good time under this subsection, a month is a calendar month.

A. Deductions made under this subsection must be calculated as follows for partial months.

<u>Days of partial month</u>	<u>Maximum meritorious good time credit available</u>
1 - 15 days	up to 1
16 - 31 days	up to 2

See title page for effective date.

**CHAPTER 519**

**H.P. 1241 - L.D. 1668**

**An Act to Ensure Accessibility to Mental Retardation Services for Persons Who are Deaf or Hard of Hearing**

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

**Sec. 1. 34-B MRSA §1218** is enacted to read:

**§1218. Services to persons who are deaf or hard-of-hearing**

**1. Mental health services.** The Division of Mental Health shall provide accommodations and services for persons who are deaf or hard-of-hearing in order to provide access to mental health programs funded or licensed by the division. These accommodations must include, but are not limited to, the following:

A. Appropriate mental health assessments for clients who are deaf or hard-of-hearing;

B. Provision of interpreter services for treatment;

C. Educational and training for mental health staff providing treatment to persons who are deaf or hard-of-hearing;

D. Placement of telecommunication devices for persons who are deaf or hard-of-hearing in comprehensive community mental health facilities;

E. Support and training for families with members who are deaf or hard-of-hearing who experience mental health problems; and

F. Establishment of a therapeutic residence program for persons who are deaf or hard-of-hearing and in need of residential mental health treatment. The therapeutic residence program must be operated in conjunction with existing rehabilitation, education, mental health treatment and housing resources. The therapeutic residence program must be staffed by individuals trained in mental health treatment and proficient in communication for the deaf.

**2. Mental retardation services.** The Division of Mental Retardation shall provide accommodations and services ensuring access for persons who are deaf or hard-of-hearing to mental retardation programs funded or licensed by the division. These accommo-

ditions and services must include, but are not limited to, the following.

A. The Division of Mental Retardation shall ensure the provision of appropriate assessments for clients who are deaf or hard-of-hearing. Assessments must be performed by a person who is proficient in American Sign Language and must include an assessment of mental retardation and an assessment of communication skills, including the capacity to communicate using American Sign Language. The division shall survey the client population to determine which clients are deaf or hard-of-hearing.

B. For purposes of treatment, the Division of Mental Retardation shall ensure the provision of interpreter services by a person proficient in American Sign Language.

C. The Division of Mental Retardation shall ensure that mental retardation staff providing direct services to persons who are deaf or hard-of-hearing have education and training in American Sign Language and deaf culture.

D. The Division of Mental Retardation shall provide for the placement in comprehensive community mental retardation facilities of telecommunication devices for persons who are deaf or hard-of-hearing.

E. The Division of Mental Retardation shall ensure the provision of support and training for families with members with mental retardation who are deaf or hard-of-hearing.

F. The Division of Mental Retardation shall establish therapeutic residence options for persons with mental retardation who are deaf or hard-of-hearing and in need of a residence. The therapeutic residences must be operated in conjunction with existing rehabilitation, education, mental retardation treatment and housing resources. The therapeutic residences must be staffed by individuals trained in mental retardation treatment and proficient in American Sign Language. Therapeutic residence options must be flexible and allow for individual choice.

G. The Division of Mental Retardation shall designate in each regional office one staff person who is responsible for the coordination of deaf services in that office. The division shall provide ongoing training to regional office staff with the goal of having at least one person in each regional office who is proficient in American Sign Language.

**3. School-aged children.** This section does not diminish or alter in any way the Department of Edu-

cation's responsibility to provide free and appropriate education to students with disabilities.

**4. Report.** The department shall prepare a biennial report that describes accommodations and services available under this section and identifies unmet service needs and a plan to address those needs. The commissioner shall include representatives from deaf communities, families and public and private service agencies in the preparation of the report. The report must be submitted to the joint standing committee of the Legislature having jurisdiction over human resource matters and the Office of the Executive Director of the Legislative Council by January 15th of every even-numbered year.

**Sec. 2. 34-B MRSA §3005,** as amended by PL 1993, c. 410, Pt. CCC, §19, is repealed.

**Sec. 3. Report.** The Department of Mental Health and Mental Retardation shall submit a report to the joint standing committee of the Legislature having jurisdiction over human resource matters and the Office of the Executive Director of the Legislative Council by January 15, 1995. The report must describe the efforts of the Division of Mental Retardation to provide accommodations and services for persons who are deaf or hard-of-hearing, unmet service needs of department clients and persons who are not clients and a plan to address those needs. The report must also describe strategies employed by other states to provide services for persons who are deaf or hard-of-hearing. States described must include, but are not limited to, Maryland, Massachusetts, New Hampshire and Rhode Island. The Commissioner of Mental Health and Mental Retardation shall include representatives from deaf communities, families and public and private service agencies in the preparation of the report.

**Sec. 4. Coordination.** The Deaf Services Coordinator within the Department of Mental Health and Mental Retardation, Division of Mental Health on the effective date of this Act shall serve as a departmentwide coordinator of services for persons who are deaf or hard-of-hearing, including clients of the Division of Mental Health and the Division of Mental Retardation.

See title page for effective date.

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## CHAPTER 520

H.P. 1248 - L.D. 1675

### An Act to Promote Child Safety

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