

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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

J.S. McCarthy Company
Augusta, Maine
1997

E. Although lawfully absent from the ~~state mental health institute~~ hospital, the patient is admitted to another hospital, inside or outside the State, for treatment of ~~his~~ that patient's mental or physical condition, except that, if the patient is directly admitted to another hospital and it is the opinion of the chief administrative officer of the ~~state mental health institute~~ hospital that the patient will directly reenter the ~~state mental health institute~~ hospital within the foreseeable future, the patient need not be discharged.

3. Discharge against medical advice. The chief administrative officer of a ~~state mental health institute~~ hospital may discharge, or cause to be discharged, any patient even though the patient is mentally ill and appropriately hospitalized in the ~~state mental health institute~~ hospital, if:

A. The patient and either the guardian, spouse or adult next of kin of the patient request ~~his~~ that patient's discharge; and

B. In the opinion of the chief administrative officer of the hospital, the patient does not pose a likelihood of serious harm due to ~~his~~ that patient's mental illness.

5. Notice. Notice of discharge is governed as follows.

A. When a patient is discharged under this section, the chief administrative officer of the hospital shall immediately make a good faith attempt to notify the following people, by telephone, personal communication or letter, that the discharge has taken or will take place:

(1) The parent or guardian of a minor patient;

(2) The guardian of an adult incompetent patient, if any is known; or

(3) The spouse or adult next of kin of an adult competent patient, if any is known, unless the patient requests in writing that the notice not be given or unless the patient was transferred from or will be returned to a state correctional facility.

If the chief administrative officer of the hospital to which the patient is currently admitted has reason to believe that notice to any of the individuals listed in this paragraph would pose a risk of harm to the person, then notice may not be given to that individual.

B. The hospital is not liable when good faith attempts to notify the parents, spouse or guardian have failed.

Sec. 24. 34-B MRSA §3872, as enacted by PL 1985, c. 615, is repealed.

See title page for effective date.

CHAPTER 423

S.P. 615 - L.D. 1814

An Act to Improve the Delivery of Mental Health Services in Maine

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

Sec. 1. 34-B MRSA §3608, first ¶, as enacted by PL 1995, c. 691, §7, is amended to read:

The department shall establish and oversee networks to participate with the area councils, as defined in section 3607, subsection 2, in the delivery of mental health services to children and adults under the authority of the department. A network consists of ~~persons and~~ organizations providing mental health services ~~under contract or grant from the department funded by the General Fund and Medicaid~~ in the corresponding area specified in section 3607, subsection 3. The local service networks must be established and operated in accordance with standards that are consistent with standards adopted by accredited health care organizations and other standards adopted by the department to establish and operate networks. Oversight must include, but is not limited to, establishing and overseeing protocols, quality assurance, writing and monitoring contracts for service, establishing outcome measures and ensuring that each network provides an integrated system of care. The department may adopt rules to carry out this section. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter II-A. This section may not be construed to supersede the authority of the Department of Human Services as the single state Medicaid agency under the Social Security Act, Title XII or to affect the professional standards and practices of nonnetwork providers.

Sec. 2. 34-B MRSA §3608, sub-§5 is enacted to read:

5. Data collection. The department shall collect data to assess the capacity of the local service networks, including, but not limited to, analyses of utilization of mental health services and the unmet needs of persons receiving publicly funded mental health services.

Sec. 3. 34-B MRSA §3610 is enacted to read:
§3610. Safety net services

The department is responsible for providing a safety net of adult mental health services for people with major mental illness who the department or its designee determines can not otherwise be served by the local service networks. The department may develop contracts to deliver safety net services if the department determines contracts to be appropriate and cost-effective. The state-operated safety net must include, but is not limited to:

A. Backup emergency hospital beds for people requiring medical stabilization, assessment or treatment;

B. Intermediate and long-term treatment for people who need long-term structured care;

C. Forensic services;

D. Intensive case management; and

E. Other services determined by the commissioner to be needed.

See title page for effective date.

CHAPTER 424

H.P. 1337 - L.D. 1886

An Act Concerning Certain Biennial Budget Bills and to Change Certain Provisions of the Law

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses will become due and payable prior to July 1, 1997; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

PART A

Sec. A-1. Adjustments to allocations. Allocations from the Maine Nuclear Emergency Planning Fund, the Public Utilities Commission Regulatory Fund, the Public Utilities Commission Reimbursement Fund, the Public Advocate Regulatory

Fund, the Ground Water Oil Clean-up Fund, the Maine Coastal and Inland Surface Oil Clean-up Fund, the Maine Hazardous Waste Fund, the State Alcoholic Beverages Fund and the State Lottery Fund and all federal block grant allocations may be increased or adjusted by the State Budget Officer, with the approval of the Governor, to specifically cover those adjustments determined necessary under any salary plan approved by the Legislature and those reclassifications and range changes that have been approved by the Department of Administrative and Financial Services and submitted for legislative review prior to the effective date of Public Law 1997, chapter 24.

Sec. A-2. Allotments required - Bureau of Alcoholic Beverages and Lottery Operations.

Upon receipt of allotments duly approved by the Governor, based upon work programs submitted to the State Budget Officer, the State Controller shall authorize expenditures from allocations from the State Alcoholic Beverages Fund and the State Lottery Fund in Part A of Public Law 1997, chapter 24, on the basis of these allotments and not on any other basis.

Sec. A-3. Federal block grant additional funds.

Any additional funds that become available due to implementation of the federal block grants and the possible overlapping of other grants may be carried forward for future allocations by the Legislature or may be used to offset any possible reductions in the federal block grants.

Sec. A-4. Federal block grant encumbered balances at year-end.

At the end of each fiscal year, all encumbered balances in the federal block grants may not be carried forward more than one time, except that encumbered balances in the Community Development Block Grant may be carried twice and encumbered balances of grant awards for capital construction projects may carry until the completion of the project, provided that the construction was started prior to the end of the year for which the allocation was made.

Sec. A-5. Capital expenditures.

Notwithstanding the allocations in Part A of Public Law 1997, chapter 24 and the provision of section 2 of this Part, up to \$500,000 in the State Alcoholic Beverages Fund and up to \$90,000 in the State Lottery Fund may be expended for capital expenditures in each fiscal year of the biennium.

Sec. A-6. Legislative intent.

It is the intent of the Legislature that allocations by the Legislature from the State Alcoholic Beverages Fund and the State Lottery Fund in Part A of Public Law 1997, chapter 24 apply to administrative expenses only and that these allocations must be allotted and approved under the Maine Revised Statutes, Title 5. It is not the intent of the Legislature to affect the use of the working