

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

Regional Service Center
Communities.

TOTAL \$2,890

See title page for effective date.

CHAPTER 79

H.P. 431 - L.D. 581

Resolve, to Establish the Commission to Determine the Adequacy of Services to Persons with Mental Retardation

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

Whereas, Maine public policy has resulted in the closure of Pineland Center, Maine's state-operated institution for individuals with mental retardation; and

Whereas, the Pineland Consent Decree provides for appropriate delivery of community-based services for former residents of Pineland Center, but does not address the needs of persons with mental retardation who have never resided at Pineland Center; and

Whereas, many Maine students with mental retardation graduate from public schools every year without access to community-based services, and private community-based agencies are experiencing long waiting lists for persons requiring both residential and day habilitation services; and

Whereas, the problems are compounded by the inability of private agencies to retain qualified staff because of their inability to offer competitive wages; and

Whereas, community-based private agencies must offer the necessary safety net for Maine's citizens with mental retardation; 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

Sec. 1. Commission established. Resolved: That the Commission to Determine the Adequacy of Services to Persons with Mental

Retardation, referred to in this resolve as the "commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of 17 members as follows:

1. One member of the Senate and 2 members of the House of Representatives, of whom one member must be from the Joint Standing Committee on Health and Human Services and one member must be from the minority political party, all of whom are appointed jointly by the President of the Senate and the Speaker of the House of Representatives;

2. Two persons with mental retardation and 2 persons with mental retardation or family members of persons with mental retardation, appointed jointly by the President of the Senate and the Speaker of the House of Representatives from lists submitted by the Maine Developmental Disabilities Council, the Interdepartmental Committee on Transition, the Consumer Advisory Board and Speaking up for Us;

3. Four representatives of the provider community, 3 appointed jointly by the President of the Senate and the Speaker of the House of Representatives from lists submitted by the Maine Association of Rehabilitation Services and the American Network of Community Options and Resources and one provider of services in a solely owned foster home appointed by the Governor from nominations submitted to the Governor;

4. One representative of the Department of Mental Health, Mental Retardation and Substance Abuse Services, appointed by the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services;

5. One representative of the Department of Human Services, appointed by the Commissioner of Human Services;

6. One representative of the Department of Education, appointed by the Commissioner of Education;

7. One representative of the Interdepartmental Committee on Transition, appointed by the chair of the committee;

8. One independent human resources expert from the private sector, appointed by the Governor; and

9. One member of the public appointed by the Governor from nominations submitted to the Governor; and be it further

Sec. 3. Convening of commission. Resolved: That all appointments to the commission must be made no later than 30 days after the effective

date of this resolve. The Chair of the Legislative Council shall call the first meeting of the commission within 14 days after all appointments are made. The first meeting must be held by August 1, 1997. The commission shall elect a chair from among its members; and be it further

Sec. 4. Duties. Resolved: That the commission shall study and report recommendations on each of the following issues:

1. The adequacy of mental retardation services for persons who are and are not covered by the community consent decree; and

2. The allocation of existing resources, the prioritization of needs, the existing resource delivery system and the recruitment, training, retention and compensation of personnel; and be it further

Sec. 5. Meetings. Resolved: That the commission may meet up to 4 times; and be it further

Sec. 6. Report. Resolved: That the commission shall prepare a written report of its findings and recommendations and submit its report, together with any necessary implementing legislation, by January 1, 1998. If the commission requires an extension, it may apply to the Legislative Council, which may grant the extension; and be it further

Sec. 7. Staff assistance. Resolved: That the commission may request staffing assistance from the Legislative Council; and be it further

Sec. 8. Reimbursement. Resolved: That the task force members who are Legislators are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, for each day's attendance at meetings of the task force and reimbursement for travel and other necessary expenses upon application to the Legislative Council. The Executive Director of the Legislative Council shall administer the task force's budget; and be it further

Sec. 9. Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

Personal Services	\$660
All Other	1,100
	\$1,760

Provides funds for the per diem and expenses of legislative members and miscellaneous expenses of the Commission to Determine the Adequacy of Services to Persons with Mental Retardation.

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective June 12, 1997.

CHAPTER 80

S.P. 579 - L.D. 1744

Resolve, to Plan for Services for Children with Mental Health Needs

Sec. 1. Comprehensive plan. Resolved: That the Department of Mental Health, Mental Retardation and Substance Abuse Services, referred to in this section as the "department," in consultation with the Department of Corrections, the Department of Education and the Department of Human Services, shall design a comprehensive system of services for children with mental health needs to ensure that children receive services in the least restrictive and most appropriate settings. The system must provide for the reinvestment into children's mental health services of any savings achieved by switching from more expensive to less expensive means of delivering services. The department shall consult with providers, including psychiatrists and psychologists, and consumers and families of consumers of children's mental health services.

1. Plan development. The department shall define children's mental health services and assign areas of responsibility and accountability for providing children's mental health services.

2. Review of services. The department shall review existing children's mental health services and the expenditures for those services by the department and the Department of Corrections, the Department of Education and the Department of Human Services.

3. Analysis of need. The department shall analyze the current need for children's mental health

1997-98

LEGISLATURE

Commission to Determine the Adequacy of Services to Persons with Mental Retardation