

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Establish a Mental Health Services Advisory Commission To Improve Mental Health Services in the State

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

Sec. 1. 5 MRSA c. 331 is enacted to read:

CHAPTER 331

Mental health services advisory commission

§ 3551. Mental Health Services Advisory Commission

The Mental Health Services Advisory Commission, referred to in this chapter as "the commission" and established by section 12004-I, subsection 47-H, is established to advise, consult and assist the Governor and the executive, legislative and judicial branches of State Government with activities of State Government related to mental health services.

§ 3552. Membership

1. Members; appointment. The commission consists of 17 members appointed as follows:

A. One member of the Senate, appointed by the President of the Senate, and 5 members of the Legislature who may be members of either the Senate or the House of Representatives, appointed by the President of the Senate if Senators or the Speaker of the House if members of the House of Representatives. Two of these 5 at-large members of the Legislature must be members of the joint standing committee of the Legislature having jurisdiction over health and human services matters;

B. One representative of the Department of Health and Human Services, office of adult mental health services, appointed by the Commissioner of Health and Human Services;

C. One psychiatrist knowledgeable about the State's mental health services, appointed by the Governor;

D. One nominee of a statewide alliance for mental health services, appointed by the Governor;

E. One attorney who represents clients involved with the mental health system, appointed by the Governor;

F. One mental health services practitioner, one mental health education practitioner, one mental health treatment practitioner and 3 mental health services providers, appointed by the Governor; and

G. One private sector employer familiar with mental health employee assistance programs, appointed by the Governor.

2. Qualifications. To be qualified to serve on the commission, members must have education, training, experience, expertise and interest in and knowledge of mental health services and training. Members must reflect experiential diversity and concern for mental health services and treatment in the State. Members must have an unselfish and dedicated personal interest demonstrated by active participation in mental health such as services, treatment, rehabilitation, training or research in mental health.

3. Term; vacancies. Terms of appointment to the commission begin and expire on June 1st. A vacancy in the commission does not affect the commission's powers, but must be filled in the same manner as the original appointment. The term of office for members of the commission is 3 years, except that a member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term. Members hold office until the appointment and confirmation of their successors.

4. Reappointment; termination. Members may be appointed for 2 consecutive terms only and may serve after the expiration of their terms until their successors have been appointed and qualified and have taken office. The appointing authority may terminate the appointment of a member for good and just cause and the appointing authority shall communicate the reason for the termination to the member terminated. The appointment of a member of the commission is terminated if the member is absent from 3 consecutive meetings without a good and just cause that is communicated to the chair of the commission.

5. Chair; officers. The Governor shall designate one member to chair the commission. The commission may elect other officers from its members as it considers appropriate.

6. Subcommittees. The commission may appoint from its membership subcommittees relating to particular problem areas or other matters as long as the commission functions as an integrated commission.

7. Administrative and financial assistance. The Department of Health and Human Services shall provide the commission administrative or financial assistance that is available from department resources.

§ 3553. Meetings; compensation; quorum

1. Calling meetings. The commission shall meet at the call of the chair or at the call of at least 1/4 of the members appointed and currently holding office.

2. Frequency of meetings. The commission shall meet at least 12 times a year and at least once a month.

3. Minutes. The commission shall keep minutes of all meetings, including a list of people in attendance. The commission shall immediately send copies of the minutes to the Governor and the leadership of the Legislature, who shall provide for their appropriate distribution and retention in a place of safekeeping.

4. Compensation. Members of the commission are entitled to compensation under section 12002-A.

5. Quorum; council action. A majority of the commission members constitutes a quorum for the purpose of conducting the business and exercising all the powers of the commission. A vote of a majority of the members present is sufficient for all actions of the commission.

§ 3554. Duties of the commission

The commission, in cooperation with the Department of Health and Human Services, has the following duties.

1. Advise the department. The commission shall advise the Department of Health and Human Services in the development and implementation of significant policy matters relating to mental health.

2. Serve as advocate; review and evaluate; inform the public. The commission shall serve as an advocate on mental health services, promoting and assisting activities designed to meet the problems of mental health at the national and state levels. With the support of the Department of Health and Human Services, the commission shall review and evaluate on a continuing basis state and federal policies and programs relating to mental health services conducted or assisted by state departments or agencies that affect persons involved in the mental health system. In cooperation with the department, the commission shall keep the public informed by collecting and disseminating information, by conducting or commissioning studies and publishing the results of those studies, by issuing publications and reports and by providing public forums, including conferences and workshops.

3. Report to the Legislature. The commission shall report annually to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs on or before the last business day of each year. The report must include developments and needs and significant policy matters relating to mental health services.

Sec. 2. 5 MRSA §12004-I, sub-§47-H is enacted to read:

47-H.

		<u>Expenses</u>	<u>5 MRSA</u>
		<u>Only</u>	<u>§3551</u>
<u>Human</u>	<u>Mental Health</u>		
<u>Services: Mental</u>	<u>Services Advisory</u>		
<u>Health</u>	<u>Commission</u>		

Sec. 3. Mental Health Services Advisory Commission; staggered terms for initial appointees. Notwithstanding the Maine Revised Statutes, Title 5, section 3552, subsection 3, the terms of the 6 members appointed under section 3552, subsection 1, paragraph F are staggered. Of the initial appointees under that paragraph, 2 are appointed for terms of 3 years, 2 for terms of 2 years and 2 for terms of one year.

SUMMARY

This bill establishes the Mental Health Services Advisory Commission to look at how mental health services are delivered statewide and to advise, consult and assist the Governor and the executive, legislative and judicial branches of State Government with activities of State Government related to the delivery of mental health services.