

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

—
S.P. 736 - L.D. 1866

**An Act to Amend the Laws Regarding the State-designated Agency
Advocating for Individuals with Serious Mental Illness**

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

Sec. 1. 34-B MRSA §3012 is enacted to read:

§3012. Advocacy services for individuals with serious mental illness

1. Legislative intent. It is the intent of the Legislature to effectuate the State's commitment to protecting the rights of individuals with serious mental illness, as demonstrated by the successful resolution and dismissal of the Augusta Mental Health Institute Consent Decree, issued on December 3, 2024, by the Superior Court, Kennebec County, Civil Action Docket No. 89-88. Independent advocacy was a key component of the system improvements that supported that resolution, and the Legislature seeks to ensure that those protections continue through the ongoing delivery of advocacy services in both institutional and community settings.

2. Contract for protection and advocacy services. The department shall contract with and make a good faith effort to obtain sufficient appropriations to fund the agency designated under Title 5, section 19502 to carry out the duties related to protecting the rights of individuals with serious mental illness in both institutional and community settings. The contract must be consistent with the scope of authority and protections provided in Title 5, chapter 511 and must ensure that advocacy services are provided statewide through a presence in at least 5 geographically dispersed areas.

3. Access to state mental health institute records. In addition to the agency's authority to access records under Title 5, chapter 511 and notwithstanding subsection 1207, the agency contracted under subsection 2 may access medical records of individuals with serious mental illness who are hospitalized in a state mental health institute as defined in section 3801, subsection 9 when necessary to provide advocacy services as authorized under Title 5.

4. Medical advice. Advocates providing services in accordance with this section are prohibited from providing medical advice.