

STATE OF MAINE

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

—
S.P. 801 - L.D. 1989

An Act to Increase Access to the Progressive Treatment Program Fund

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

Whereas, progressive treatment programs are vital tools in helping individuals with serious mental illness remain in a community setting; and

Whereas, legal fees for initiating and extending progressive treatment programs are a barrier for many individuals; and

Whereas, the Progressive Treatment Program Fund is a dedicated fund to assist individuals who are filing an application for a progressive treatment program with paying for associated legal expenses; and

Whereas, the current individual cap in funding continues to result in underuse of the fund; and

Whereas, this legislation must take effect as soon as possible in order to address these issues; 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:

Sec. 1. 34-B MRSA §3873-B, sub-§2, as enacted by PL 2021, c. 745, §1, is amended to read:

2. Application of fund. The department shall use the money in the fund to reimburse the legal costs incurred by ~~private entities~~ the following individuals to initiate or extend existing progressive treatment programs in accordance with section 3873-A: the superintendent or chief administrative officer of a private psychiatric hospital, the director of an ACT team, a private medical practitioner, a law enforcement officer or the legal guardian of the patient who is the subject of an application under section 3873-A. ~~A private entity~~ The department may use money in the fund to reimburse a private attorney

representing an individual eligible to receive funds under this subsection. An individual seeking reimbursement must submit to the department an itemized bill of legal costs incurred to initiate or extend the progressive treatment program. The maximum annual amount the department may reimburse a private entity an individual for the legal costs to initiate a or extend an existing progressive treatment program is \$800 \$3,500. Reimbursement is subject to available funds.

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