

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND AND FOURTEEN

—  
H.P. 1244 - L.D. 1738

**Resolve, Concerning Maine's Involuntary Treatment and Involuntary  
Commitment Processes**

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

**Whereas,** resources to respond to an individual who presents an emergency psychiatric situation at a hospital are currently inadequate; and

**Whereas,** hospitals currently face both practical and legal challenges in responding to individuals who arrive in emergency departments in need of psychiatric treatment when insufficient psychiatric beds are available; and

**Whereas,** the Legislature recognizes the necessity for remedies while protecting the rights of individuals and attempting to address their medical and psychiatric needs; and

**Whereas,** the best solution involves the participation of all those interested in the judicial process concerning detention for emergency responses, involuntary treatment and involuntary commitment; and

**Whereas,** the Chief Justice of the Supreme Judicial Court has offered to convene a working group to examine the immediate and long-term needs and develop short-term and long-term solutions to improve the judicial involuntary commitment and treatment process; and

**Whereas,** it is imperative that this resolve take effect immediately so that the working group can complete its work in time for the committee of jurisdiction to submit legislation to the First Regular Session of the 127th Legislature; 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. Working group convened. Resolved:** That, in accordance with the offer extended by the Chief Justice of the Supreme Judicial Court in her letter to the Joint Standing Committee on Judiciary dated March 3, 2014, the Chief Justice or the Chief Justice's designee shall convene a working group to review the current situation for both individuals and hospitals when individuals present emergency psychiatric needs in hospital emergency departments and to develop recommendations for addressing immediate and long-term needs of individuals, hospitals, psychiatric hospitals and health care providers. Specifically, the working group shall address the following issues:

1. The timing and length of preliminary and follow-up holding and commitment periods and requirements for involuntary treatment during such periods;
2. Process improvements for holding and commitment period determinations;
3. The current lack of health care providers available to address compliance with due process requirements and any procedural changes recommended by the working group; and
4. Any additional recommendations for improvement in the judicial commitment and involuntary treatment process; and be it further

**Sec. 2. Participants. Resolved:** That the Chief Justice of the Supreme Judicial Court or the Chief Justice's designee may invite the participation of the following in the working group convened under section 1:

1. A representative of an organization representing hospitals with emergency departments and hospitals with psychiatric units;
2. A representative of the Department of Health and Human Services;
3. Attorneys who represent patients in the judicial commitment process;
4. Disability rights advocates;
5. Medical and mental health professionals;
6. Mental health advocates;
7. Family advocates;
8. The Attorney General; and
9. Other interested parties; and be it further

**Sec. 3. Report. Resolved:** That the working group convened under section 1 shall submit a report of its findings and recommendations, including any legislative recommendations, by December 15, 2014 to the joint standing committee of the Legislature having jurisdiction over judiciary matters. The joint standing committee of the Legislature having jurisdiction over judiciary matters may report out legislation to the First Regular Session of the 127th Legislature to implement matters relating to the report.

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