

As a parent and legal guardian of an adult with an intellectual disability, I urge the committee to vote against LD 769 as it is currently written.

In relevant parts, the language of the bill and its import is vague and subject to conflicting interpretation.

The use of the word “restraint” is not defined in the bill. Nor is the term “planned restraint”. Is restraint meant to exclude all touching? Would a hug by a parent be in violation of its terms? Would that depend upon the behavior of the individual the statute intends protect?

Individuals intended to be covered by the statute are not a homogeneous cohort. They range from persons who live independently, hold jobs, and drive cars to those that need 24/7 support, are non-verbal and have complex physical, emotional and intellectual disabilities. Accordingly, while “planned restraint” may generally be inappropriate for most of the population targeted by the statute it may be the least harmful and most helpful form of de-escalation for some individuals. Prohibiting planned restraint for all is a very bad idea. For some individuals, the only result would be police intervention by officers untrained to deal with the type of individual.

The make-up of a “support committee” to review data does not require a behavioral health professional who can have insight into the more complex individuals and their behaviors.

The bill is not a the form that will achieve its intended purpose for all covered individuals.

Diane Boas
CAPE ELIZABETH
LD 769

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