

OFFICE OF POLICY AND LEGAL ANALYSIS

Date: May 13, 2021
To: Joint Standing Committee on Health & Human Services
From: Erin Dooling, Esq., Legislative Analyst

LD 1090 Resolve, To Equitably Fund Legal Fees for Progressive Treatment Programs

SUMMARY: This resolve establishes a pilot project within DHHS to fund court and legal fees incurred by a superintendent or chief administrative officer of a nonstate mental health institution or a director of an assertive community treatment service team in association with filing and obtaining an order from the District Court to admit a patient to a progressive treatment program. The pilot project is funded up to \$250,000 from the Medical Use of Marijuana Fund to provide up to \$800 per application. The department is required to submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters at the conclusion of the pilot project. The joint standing committee of the Legislature having jurisdiction over health and human services matters is authorized to report out legislation related to the report to the Second Regular Session of the 131st Legislature.

ISSUES AND SUGGESTED AMENDMENTS FROM TESTIMONY:

- *OHI*: Notes that the bill does not provide financial support to other individuals who can apply for a PTP (a medical practitioner, a law enforcement officer or the legal guardian of the patient)
- *National Shattering Silence Coalition*: Include a requirement for data collection about patients enrolled in the PTP program and surveys from patients, family members and community providers

DRAFTING ISSUES / QUESTIONS / NOTES:

- Is “court and legal fees . . . in association with filing and obtaining an order” sufficiently clear?

- Does the timeline to begin the pilot project sufficient? Resolve takes effect 90 days after adjournment. (Assuming an early July adjournment, the resolve will take effect in early October and the pilot project must go into effect October 1, 2021.)
- How will the pilot project be administered? Does DHHS need rulemaking authority?

ADDITIONAL INFORMATION REQUESTED BY COMMITTEE:

- Does the Office of the Attorney General have input on this bill?

ADDITIONAL RELATED INFORMATION:

- [DHHS website](#) with information on the Progressive Treatment Program
- [Disability Rights Maine Guide](#) to Involuntary Hospitalization and Outpatient Services Laws (*PTP summary begins on page 23*)
- Balance of Medical Use of Marijuana Fund (*information from OFPR*)

FISCAL IMPACT: Not yet determined