

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 224

H. P. 175

House of Representatives, January 12, 1981

Submitted by the Department of Mental Health and Corrections pursuant to Joint Rule 24.

Referred to the Committee on Health and Institutional Services. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Brodeur of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Amend the Statutes Relating to the Developmental Disabilities Council.

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

Sec. 1. 34 MRSA § 13 is enacted to read:

§ 13. State planning and advisory council on developmental disabilities.

1. Council established. The Governor shall establish a State Planning and Advisory Council on Developmental Disabilities and appoint appropriate representatives as are required as a condition of eligibility for benefits under "Amendments to the Developmental Disabilities Services and Facilities Construction Act of 1978", United States P.L. 95-602, 42 United States Code, section 6000 et seq., but also ensuring that there is at least one representative from each of the regions established by the Department of Mental Health and Corrections, Bureau of Mental Retardation. This council shall consult with the Commissioner of Mental Health and Corrections in carrying out the purposes of the department.

2. Sole administering agency; powers. Except where a single state agency is otherwise designated or established in accordance with any other state law, the

department is designated to be the sole agency of the State to establish and administer any statewide plan for the construction, equipment, maintenance or operation of any facility for the provision of care, treatment, diagnosis, rehabilitation, training or related services; which plan is now or may hereafter be required as a condition to the eligibility to benefits pursuant to the provisions of the Federal Act specified in subsection 1. The department is also authorized to receive, administer and expend any funds that may be available under this Federal Act or from any other sources, public or private, for those purposes.

Sec. 2. 34 MRSA § 2614, as enacted by PL 1977, c. 502, § 4, is repealed.

STATEMENT OF FACT

The primary purpose of this legislation is to shift the statutory linkage of the State Planning and Advisory Council on Developmental Disabilities from auspices of the Bureau of Mental Retardation to the Department of Mental Health and Corrections as a whole. In shifting the relationship of the council, the statutory citation has shifted from the Maine Revised Statutes, Title 34, section 2614 to the Maine Revised Statutes, Title 34, section 13, however, the existing language has generally been retained.

The rationale for this change includes recognition of the revised definition of developmental disabilities contained in the most recent federal legislation which encompasses many mental health as well as mental retardation clients. In addition, the department considers the State Planning and Advisory Council on Developmental Disabilities as the most appropriate group to provide overall advice and counsel to the department, which is also advised by more specific mental health and corrections and mental retardation advisory groups.