

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND SPECIAL SESSION-2004

Legislative Document

No. 1940

H.P. 1437

House of Representatives, March 18, 2004

An Act To Clarify Departmental Reporting Requirements for Developmental Disability Prevention Activities

Reported by Representative KANE of Saco for the Joint Standing Committee on Health and Human Services pursuant to Resolve 2003, chapter 69 and Resolve 2003, chapter 101, section 3.

Millicent M. MacFarland

MILLICENT M. MacFARLAND

Clerk

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

4 **Sec. 1. 22 MRSA §3573**, as amended by PL 2001, c. 354, §3, is
repealed and the following enacted in its place:

6 **§3573. Reporting**

8 **1. Definitions.** As used in this section, unless the
10 context otherwise indicates, the following terms have the
following meanings.

12 A. "Developmental disability" means a disability
14 attributable to a mental or physical impairment or
combination of mental and physical impairments that:

16 (1) Is manifested before the person reaches 22 years
of age;

18 (2) Is likely to continue indefinitely;

20 (3) Results in substantial functional limitations in 3
22 or more of the following areas of major life activity:

24 (a) Self-care;

26 (b) Receptive and expressive language;

28 (c) Learning;

30 (d) Mobility;

32 (e) Self-direction;

34 (f) Capacity for independent living; and

36 (g) Economic self-sufficiency.

38 A person from birth through 9 years of age who has a
40 substantial developmental delay or specific congenital
42 or acquired condition may be considered to have a
44 developmental disability without meeting 3 of the
criteria stated in this subparagraph if there is a high
probability that the person will meet those criteria
later in life if services and supports are not provided
to the person; and

46 (4) Reflects the person's need for a combination and
48 sequence of special, interdisciplinary or generic care,
treatment or other services that are of a lifelong or

2 extended duration and are individually planned and
coordinated.

4 B. "Mental and physical impairments" include, but are not
limited to, the following conditions: mental retardation,
6 autism, cerebral palsy, Asperger syndrome, mental illness,
8 Prader-Willi syndrome and epilepsy.

10 2. Reporting requirements. The Department of Human
Services, Department of Behavioral and Developmental Services and
Department of Education shall by January 15th of each year submit
12 a joint report to the joint standing committee of the Legislature
having jurisdiction over health and human services matters
14 regarding activities conducted over the past fiscal year related
to the prevention of developmental disabilities and underlying
16 mental and physical impairments and plans for such activities in
the succeeding year. The report must also include data on the
18 incidence rate of births of developmentally disabled children in
the State.

20 3. Limitation. The provisions of this section may not be
22 interpreted to expand or otherwise affect the requirements of the
Department of Behavioral and Developmental Services to provide
24 services to children and families under section 3571, subsection
2 or under Title 34-B.

26
28 **SUMMARY**

30 This bill, which implements the recommendations of the Maine
32 Developmental Disabilities Council, amends the reporting
requirements for the Department of Human Services, the Department
of Behavioral and Developmental Services and the Department of
34 Education relating to the prevention of developmental
disabilities. The bill enacts definitions of developmental
36 disabilities and mental and physical impairments for the purposes
of reporting requirements, and it clarifies the scope of the
38 required annual report. The bill explicitly states that the
provisions of this section may not be interpreted to expand or
40 otherwise affect the requirements of the Department of Behavioral
and Developmental Services to provide services to children and
42 families.