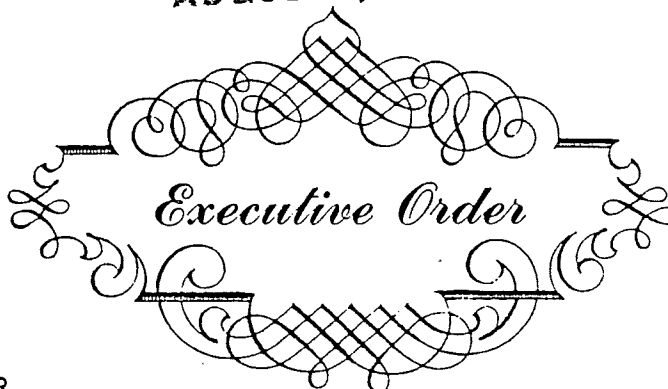


# MAINE STATE LEGISLATURE

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OFFICE OF  
THE GOVERNOR

NO. 12FY 86/87  
DATE February 20, 1987

AN ORDER REVISING THE STATE PLANNING AND ADVISORY COUNCIL  
ON DEVELOPMENTAL DISABILITIES

WHEREAS, it is in the best interest of all Maine citizens to have available a range of appropriate services for persons with developmental disabilities; and

WHEREAS, comprehensive planning of needed developmental disabilities services and facilities should be accomplished in order to provide for more effective and efficient use of existing human and fiscal resources at all levels; and

WHEREAS, Public Law 98-527, the Developmental Disabilities Assistance and Bill of Rights Act of 1984 makes available to the State of Maine Federal assistance for planning and service activities for persons with developmental disabilities; and

WHEREAS, the Federal assistance is provided to the State to plan for, and to conduct, activities which will increase and support the independence, productivity, and integration into the community of persons with developmental disabilities,

NOW, THEREFORE, I, JOHN R. McKERNAN, JR., Governor of the State of Maine, revise the State Planning and Advisory Council on Developmental Disabilities as follows:

Purposes of the Council

1. To assure that persons with developmental disabilities receive the care, treatment, and other services necessary to enable them to achieve increased independence, productivity, and integration into the community;
2. To jointly develop with the Department of Mental Health and Mental Retardation the State Plan required by Public Law 98-527, Part B-Federal Assistance for Planning and Service Activities for Persons with Developmental Disabilities.

### Membership

The council shall include representatives from the principal state agencies, local agencies, and non-governmental organizations, groups concerned with services for persons with developmental disabilities and representatives of consumers of services. There shall be up to 28 members appointed by the Governor to the Council: 7 governmental members, 14 consumer members and up to 7 non-governmental members.

### Seven Governmental Members

Three members from the Department of Mental Health and Mental Retardation, as follows:

- (a) The Commissioner;
- (b) A second representative designated by the Commissioner; and
- (c) A third representative designated by the Commissioner.

Two members from the Department of Human Services, as follows:

- (a) The Commissioner;
- (b) A second representative designated by the Commissioner.

Two members from the Department of Educational and Cultural Services, as follows:

- (a) The Commissioner;
- (b) A second representative designated by the Commissioner.

### Fourteen Consumer Members

Fourteen of the members of the Council shall consist of persons who:

Are persons with developmental disabilities or parents or guardians of such persons; or

Are immediate relatives or guardians of persons with mentally impairing developmental disabilities;

Who are not employees of a State agency which receives funds or provides services with developmental disabilities basic state grant funds, who are not managing employees of any other entity which receives funds or provides services with developmental disabilities basic state grant funds, and who are not persons with an ownership or control interest with respect to such an entity.

At least one-third shall be persons with developmental disabilities; and

At least one-third shall be immediate relatives or guardians of persons with mentally impairing developmental disabilities; and

At least one of such individuals shall be an immediate relative or guardian of an institutionalized person with a developmental disability.

### Up to Seven Non-Governmental Members

There shall be up to seven non-governmental members of the Council:

A representative of a higher education training facility;

A representative from the State Protection and Advocacy system;

At least four representatives of local agencies and non-governmental agencies and private non-profit groups concerned with services to persons with developmental disabilities.

### Terms of Members

The seven governmental members shall serve at the pleasure of the Governor. All other members shall be appointed for an initial term and shall be eligible for re-appointment for up to three additional two-year terms. Upon expiration of a member's term, that member shall continue to serve until a successor has been appointed. Any vacancy occurring during a term shall be filled by appointment of the Governor for the unexpired term.

### Functions and Duties of the Council

1. To undertake service activities in support of the Council's priority service areas which may include -
  - i. The provision of specialized services in the area which responds to unmet needs of persons with developmental disabilities;
  - ii. Model service programs in the area;
  - iii. Activities to increase the capacity of agencies to provide services in the area;
  - iv. The coordination of the provision of services in the area with the provision of other services;
  - v. Outreach to individuals for the provision of services in the area;
  - vi. The training of personnel, including parents of persons with developmental disabilities, professionals, and volunteers, to provide services in the area;
  - vii. Similar activities designed to expand the use and availability of services to developmentally-disabled persons,
2. To advise the Governor and the Legislature concerning services to persons with developmental disabilities;
3. To assist in the development and coordination of State government programs affecting persons with developmental disabilities;

4. To review annually the extent and scope of services being provided or to be provided to persons with developmental disabilities under such programs as (but not limited to): education for the handicapped, vocational rehabilitation, public assistance, medical assistance, social services, maternal and child health, handicapped children's services, comprehensive health services, mental health services, and mental retardation services, including services to persons residing in intermediate care or waiver facilities for the mentally retarded.
5. To monitor, review, and evaluate, not less than annually, the implementation of the State Plan;
6. To submit to the Secretary of Health and Human Services, through the Governor, such periodic reports as the Secretary may reasonably request, and keep such records and afford such access thereto as the Secretary finds necessary to verify such reports.

#### Organization

- (a) The Department of Mental Health and Mental Retardation is designated as the State Agency responsible for administration of the Developmental Disabilities Program.
- (b) A Chairperson shall be appointed by the Governor to serve for a two-year term. The Chairperson may be re-appointed for an additional two-year term. The Council shall recommend to the Governor a candidate for Chairperson who has served at least one full term on the Council. The Council shall review the performance of the Chairperson and make a recommendation for continuation to the Governor.
- (c) There shall be an Executive Director for the Council who shall serve as the principal staff person and supervise Council staff and Council activities and serve the Council in a non-voting capacity.
- (d) Minutes of all regular Council meetings shall be maintained within the Office of Developmental Disabilities with copies provided to the Governor's Office and all Council members prior to each regular scheduled meeting.
- (e) The Planning and Advisory Council shall meet as frequently as is necessary to fulfill the responsibilities outlined.

#### Powers and Procedures

The Planning and Advisory Council will have the necessary authority to carry out the purposes of the order.

Compensation

The governmental members of the Planning and Advisory Council shall receive no additional compensation for their services, and necessary expenditures incurred in the performance of their duties shall be borne by the respective department or agency. Consumer member and non-governmental member expenses allowed by State law will be borne by the Department of Mental Health and Mental Retardation, through funds provided by the Developmental Disabilities Act or federal appropriations made pursuant thereto.

Transition

The effective date of this Order is February 20, 1987. This Order repeals and replaces Executive Order 5FY81/82.

  
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JOHN R. MCKERNAN, JR.  
Governor