

# MAINE STATE LEGISLATURE

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OFFICE OF  
THE GOVERNOR

NO. 2 FY 92/93  
DATE July 17, 1992

**AN ORDER DESIGNATING AND REVISING THE MAINE  
DEVELOPMENTAL DISABILITIES STATE PLANNING COUNCIL**

WHEREAS, In Maine there are more than 18,000 people with developmental disabilities likely to continue indefinitely; and

WHEREAS, notwithstanding their disabilities, these Maine citizens have capabilities, competencies, and personal needs and preferences deserving of recognition and development; and

WHEREAS, people with developmental disabilities and their families often require specialized lifelong assistance to be provided in a coordinated fashion by many agencies and others to meet the needs and provide opportunities for such people; and

WHEREAS, a substantial portion of people with developmental disabilities remain underserved and public and private employers tend to be unaware of the capability of people with developmental disabilities to be engaged in competitive work in integrated settings; and,

WHEREAS it is in the interests of all the citizens of Maine to offer people with developmental disabilities the opportunity to make decisions for themselves and to live in typical homes and communities where they can exercise their full rights and responsibilities as citizens,

NOW, THEREFORE, I, JOHN R. MCKERNAN, JR., GOVERNOR of the State of Maine, do designate the Maine Developmental Disabilities Council as the State Planning Council for purposes of complying with the provisions of Public Law 101-496, the Developmental Disabilities Act of 1990 and do revise the State Planning Council as follows:

**THE PURPOSE OF THE STATE PLANNING COUNCIL IS TO:**

1. Provide assistance to individuals and public and private nonprofit agencies and organizations to assure that people with developmental disabilities receive the services, opportunities, and assistance necessary to enable them to achieve their maximum potential through increased independence, productivity, and integration into the community;
2. Enhance the role of the family in assisting people with developmental disabilities to achieve their maximum potential;

3. Advocate for public policy change and community acceptance of all people with developmental disabilities and their families so that such people receive the services, supports, and other assistance and opportunities necessary to enable them to achieve their maximum potential through increased independence, interdependence, productivity, and integration into the community; and

4. Promote the inclusion of all people with developmental disabilities in community life and to recognize the contributions of all people with developmental disabilities as they share their talents at home, school and work, and in recreation and leisure time.

#### MEMBERSHIP

At all times the State Planning Council shall include among its members representatives of the State agencies providing services under principal federally-assisted State programs. The State Planning Council shall include in its membership representatives of higher education training facilities, Maine's University Affiliated Program and its Protection and Advocacy System for people with developmental disabilities. Further, the State Planning Council shall include in its membership people with disabilities and family members as well as representatives of entities concerned with services for people with developmental disabilities. The State Planning Council shall consist of 21 members:

##### Government Members

Four members of the State Planning Council shall represent principal State agencies serving people with disabilities:

1. The Commissioner of the Department of Human Services
2. The Commissioner of the Department of Education
3. The Commissioner of the Department of Mental Health and Mental Retardation and a second representative from the Department selected by the Commissioner.

Each commissioner unable to attend meetings of the State Planning Council may appoint a designee to represent the department at such meetings.

##### Members with Disabilities or Their Representatives

Eleven members of the State Planning Council shall be people with disabilities who:

Are people with developmental disabilities or their parents or guardians; or

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

And who are not employees of a State agency which receives funds or provides services under the Developmental Disabilities Assistance Act of 1990, who are not managing employees of any other entity which receives funds or provides services under this part, and who are not people with an ownership or control interest with respect to such an entity.

At least four of the eleven members shall be people with developmental disabilities; and

At least four of the eleven members shall be immediate relatives or guardians of people with mentally-impairing developmental disabilities; and

At least one of these members shall be the immediate relative or guardian of an institutionalized or previously institutionalized person with a developmental disability.

Other Members

There shall be six other members of the State Planning Council, including:

A representative of a higher education training facility;

A representative of the University Affiliated Program at the University of Maine at Orono;

A representative of Maine's Protection and Advocacy System for people with developmental disabilities, Maine Advocacy Services;

Three representatives from local agencies, nongovernmental agencies and nonprofit groups concerned with services for people with developmental disabilities in Maine.

**TERMS OF MEMBERS**

Government members serve by virtue of their office and service at the pleasure of the Governor. All other members shall be appointed for a two-year term and shall be eligible for reappointment for up to three additional two-year terms. Upon expiration of a member's term, that member may continue to serve until a successor has been appointed. Any vacancy occurring during a term shall be filled by the Governor for the duration of that term.

**THE DUTIES AND FUNCTIONS OF THE STATE PLANNING COUNCIL SHALL BE TO:**

1. Prepare and approve a budget using Federal funds and hire such staff and obtain the services of such professional, technical, and clerical personnel consistent with State law as the State Planning Council determines to be necessary to carry out its functions under Federal law;

2. Hire, consistent with State law, a director of the State Planning Council who shall be supervised by the State Planning Council and who shall hire and supervise the staff of the State Planning Council who shall be

responsible solely for assisting the State Planning Council in carrying out its duties and responsibilities;

3. Develop and submit the State Plan required by Federal law after consultation with the Department of Mental Health and Mental Retardation, including the specifications of Federally-mandated or optional priority areas;

4. Monitor, review, and evaluate, not less often than annually, the implementation of the State Plan;

5. Review and comment, to the maximum extent feasible, on all State plans in the State which relate to programs affecting people with developmental disabilities; and

6. Submit to the Secretary of Health and Human Services, through the Governor, such periodic reports on its activities 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

The Designated State Agency required by the Developmental Disabilities Act of 1990 is the Maine Department of Mental Health and Mental Retardation.

The Governor shall appoint a Chairperson of the State Planning Council for a two-year term. The Chairperson may be reappointed for an additional two-year term. The State Planning Council shall recommend to the Governor a candidate for Chairperson who has served at least one full term. The State Planning Council shall review the performance of the Chairperson and make a recommendation for reappointment to the Governor.

There shall be a vice-chairperson of the State Planning Council selected by its members.

The Director of the State Planning Council shall serve as the principal staff person for the State Planning Council and shall serve in a non-voting capacity.

The State Planning Council shall meet as frequently as is necessary to fulfill its responsibilities as required by the Developmental Disabilities Act of 1990 and this Order.

Minutes of all regular State Planning Council meetings shall be maintained within the Office of Developmental Disabilities with copies provided to the Governor's Office and all State Planning Council members prior to each regularly scheduled meeting.

#### POWERS AND PROCEDURES

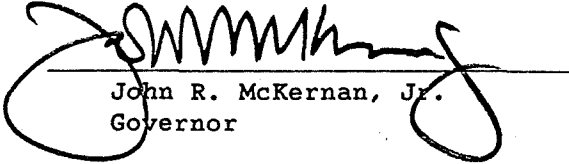
The State Planning Council shall have the necessary authority to carry out the purposes of this Executive Order.

**COMPENSATION**

The Government members of the State Planning Council shall receive no additional compensation for their services and necessary expenditures incurred in the performance of their duties shall be borne by their respective Departments. All other member expenses allowable by State law shall be borne by the Department of Mental Health and Mental Retardation through Federal funds provided through the Developmental Disabilities Act of 1990 or Federal appropriations made pursuant thereto.

**TRANSITION**

The effective date of this Order is July 17, 1992. This Order repeals and replaces Executive Order 12 FY 86/87.



John R. McKernan, Jr.  
Governor