

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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Legislative Document

No. 1257

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H. P. 1034

House of Representatives, March 24, 1977

Referred to Committee on Health and Institutional Services. Sent up for concurrence and 1,800 ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Talbot of Portland.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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AN ACT to Change the Name of the Bureau of Mental Retardation.

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

Sec. 1. 34 MRSA c. 184, 1st 2 lines, as repealed and replaced by PL 1975, c. 747, § 1, are repealed and the following enacted in their places:

CHAPTER 184

BUREAU OF MENTAL RETARDATION  
AND DEVELOPMENTAL DISABILITIES

Sec. 2. 34 MRSA § 2061, as repealed and replaced by PL 1975, c. 747, § 1, is amended to read:

§ 2061. Bureau of Mental Retardation and Developmental Disabilities

There is established within the Department of Mental Health and Corrections a Bureau of Mental Retardation and Developmental Disabilities which shall be responsible for:

1. **Institutions.** The direction of mental retardation and developmental disabilities programs in the institutions of the department;

2. **Community based services.** Ensuring that mentally retarded and developmentally disabled persons residing in any community residential facility including nursing homes, boarding homes, foster homes, group homes or halfway houses licensed by the Department of Human Services are provided with, insofar as possible, residential accommodations and access to habilitative services appropriate to their needs but not replacing or limiting

the right to treatment by spiritual means alone through prayer if such is requested by the patient, or by his next of kin or guardian;

3. **Statewide system.** The planning, promotion, coordination and development of a complete and integrated ~~state wide~~ **statewide** system of mental retardation and **developmental disabilities** services; and

4. **Liaison.** Serving as liaison, coordinator and consultant to the several state departments in order to develop the ~~state wide~~ **statewide** system of mental retardation and **developmental disabilities** services.

**Sec. 3. 34 MRSA § 2062**, as enacted by PL 1967, c. 535, § 1, as repealed and replaced by PL 1975, c. 747, § 2, as repealed and replaced by PL 1975, c. 755, § 10, and as repealed by PL 1975, c. 777, § 12, is repealed and the following enacted in its place:

**§ 2062. Director; duties**

The commissioner shall, with the advice of the **Committee on the Problems of the Mentally Retarded and Developmentally Disabled**, appoint and set the salary, subject to the approval of the Governor, for a **Director of Mental Retardation and Developmental Disabilities** who shall be a person with training and experience in mental retardation and developmental disabilities program administration or who has had satisfactory experience in the direction of work of a comparable nature. The appointment shall be for an indeterminate term and until a successor is appointed and qualified or during the pleasure of the commissioner. It shall be the duty of the **Director of Mental Retardation and Developmental Disabilities** to carry out the purposes of the bureau.

**Sec. 4. 34 MRSA § 2063**, as enacted by PL 1967, c. 535, § 1, is amended to read:

**§ 2063. Maine Committee on Problems of the Mentally Retarded and Developmentally Disabled; duties**

There shall be a **Maine Committee on Problems of the Mentally Retarded and Developmentally Disabled** composed of 12 members, consisting of one member from the House of Representatives appointed by the Speaker of the House and one member from the Senate appointed by the President of the Senate, the President of the Maine Association for Retarded ~~Children~~ **Citizens**, and ~~9~~ **5** representative citizens for the **mentally retarded and 4 representatives of other developmentally disabled persons or programs designed to serve the developmentally disabled** appointed by the Governor, who shall designate a chairman. Of the first gubernatorial appointments 3 shall be for one year, 3 for 2 years and 3 for 3 years. Thereafter appointments shall be made for 3 years. Members of the committee shall serve without pay but will be reimbursed for expenses on the same basis as state employees.

The duties of the **Maine Committee on Problems of the Mentally Retarded and Developmentally Disabled** shall be to act in an advisory capacity to the commissioner and to the **Director of the Bureau of Mental Retardation and**

**Developmental Disabilities** in assessing present programs, planning future programs and in developing ~~means~~ **services** to meet the needs of the retarded and other developmentally disabled in Maine.

Sec. 5. 34 MRSA § 2064, as enacted by PL 1975, c. 231, is amended to read:

§ 2064. **State Planning and Advisory Council on Developmental Disabilities**

1. **Council established.** The Governor shall establish a State Planning and Advisory Council and appoint appropriate representatives not only including such representatives as are required as a condition of eligibility for benefits under an Act entitled, "Developmental Disabilities Services and Facilities Construction Act of 1970," as enacted by P.L. 91-517 on October 30, 1970 by the Congress of the United States, but also ensuring that there is at least one representative from each of the regions established by the Bureau of Mental Retardation and **Developmental Disabilities**. This council shall consult with the Director, Bureau of Mental Retardation and **Developmental Disabilities**, Department of Mental Health and Corrections in carrying out the purposes of this chapter.

2. **Sole administering agency; powers.** Except where a single state agency is otherwise designated or established in accordance with any other state law, the Bureau of Mental Retardation and **Developmental Disabilities** of the Department of Mental Health and Corrections is designated to be the sole agency of the State of Maine to establish and administer any ~~state wide~~ **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 for benefits pursuant to the provisions of an act entitled "Developmental Disabilities Services and Facilities Construction Act of 1970," as enacted by P.L. 91-517 on October 30, 1970 by the Congress of the United States. The Bureau of Mental Retardation and **Developmental Disabilities** of the Department of Mental Health and Corrections 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 such purposes.

Sec. 6. 34 MRSA § 2066, sub-§ 1-A is enacted to read:

1-A. **Developmental disability.** "Developmental disability" means a disability of a person which:

A. Is attributable to:

- (1) Mental retardation, cerebral palsy, epilepsy or autism;
- (2) Any other condition of a person found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior to that of mentally retarded persons or requires treatment and services similar to those required for such persons; or
- (3) Dyslexia resulting from a disability described in subparagraph (1) or (2);

- B. Originates before such person attains age 18;**
- C. Has continued or can be expected to continue indefinitely; and**
- D. Constitutes a substantial handicap to such person's ability to function normally in society.**

**Sec. 7. Revision clause.** Wherever in the Maine Revised Statutes the words "Bureau of Mental Retardation" appear, there shall be added the words "and Developmental Disabilities." Wherever in the Maine Revised Statutes the words "Director of Mental Retardation" appear, there shall be added "and Developmental Disabilities." Wherever in the Maine Revised Statutes the words "Maine Committee on Problems of the Mentally Retarded" appear, they shall mean "Maine Committee on Problems of the Mentally Retarded and Developmentally Disabled."

**Sec. 8. Transitional provisions.**

1. Bureau of Mental Retardation and Developmental Disabilities. The Bureau of Mental Retardation and Developmental Disabilities shall be the successor in every way to the powers, duties and functions of the former Bureau of Mental Retardation.

2. Rules, regulations and procedures. All existing rules, regulations and procedures in effect, in operation or promulgated in or by the Bureau of Mental Retardation or in or by any administrative units or officers thereof, are hereby declared in effect and shall continue in effect until rescinded, revised or amended by the proper authority.

3. Contracts, agreements, compacts. All existing contracts, agreements and compacts currently in effect in the Bureau of Mental Retardation shall continue in effect.

4. Personnel. Any position, authorized and allocated subject to the Personnel Law, to the former Bureau of Mental Retardation shall be transferred to the Bureau of Mental Retardation and Developmental Disabilities and may continue to be authorized.

5. Records, property and equipment. All records, property and equipment previously belonging to or allocated for the use of the former Bureau of Mental Retardation shall become, on the effective date of this Act, part of the property of the Bureau of Mental Retardation and Developmental Disabilities.

6. Forms, licenses, letterheads. All existing forms, licenses, letterheads and similar items bearing the name "Bureau of Mental Retardation" or which make reference thereto may be utilized by the Bureau of Mental Retardation and Developmental Disabilities until existing supplies or such items are exhausted.

7. In order to carry out the objectives of Title 34, section 2061, the department is authorized to establish 2 additional positions for the sole purpose of providing planning and assistance to effect the transition from a Bureau of Mental Retardation to a Bureau of Mental Retardation and Developmental Disabilities.

8. The Director of the Bureau of Mental Retardation and Developmental Disabilities shall submit to the 109th Legislature a comprehensive plan for the development of a complete and integrated statewide program for the mentally retarded and other developmentally disabled as herein defined in Title 34, section 2066, subsection 1-A.

9. The effective date of this Act shall be December 1, 1977. The Bureau of Mental Retardation and Developmental Disabilities shall not be required to provide services to individuals not covered by existing state and federal statutes describing the duties of the bureau until submission and approval of a comprehensive plan by the 109th Legislature or its designated standing committee.

**Sec. 9. Appropriation.** There shall be appropriated from the General Fund to the Department of Mental Health and Corrections, Bureau of Mental Retardation and Developmental Disabilities the sum of \$10,500. The breakdown shall be as follows:

		1977-78		1978-79
MENTAL HEALTH AND CORRECTIONS, DEPARTMENT OF				
Bureau of Mental Retardation and Developmental Disabilities				
Personal Services	(2)	\$5,625	(2)	\$3,750
All Other		675		450
		<hr/>		<hr/>
Total		\$6,300		\$4,200

STATEMENT OF FACT

At present, partial services are provided to the developmentally disabled by various state agencies. There is no particular state agency which is charged in the statutes with the responsibility to plan for and oversee the provision of services and coordination of those services to the developmentally disabled population other than those who are mentally retarded.

The Bureau of Mental Retardation estimates that in addition to the 29,000 mentally retarded persons in Maine, there are an additional 19,000 developmentally disabled persons.

This bill renames the Bureau of Mental Retardation to the Bureau of Mental Retardation and Developmental Disabilities and requires the submission of a comprehensive plan to outline the service needs of the developmentally disabled population to the 109th Legislature. To facilitate the planning required to fulfill the intent of this Act, 2 additional personnel are authorized for the Department of Mental Health and Corrections.

It is estimated that there will be appropriated from federal funds \$31,500, to the Department of Mental Health and Corrections, Bureau of Mental Retardation and Developmental Disabilities, to carry out the purposes of this Act.