

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 2099

6  
7 H.P. 1589 House of Representatives, February 21, 1984  
8 Approved for introduction by the Legislative Council pursuant to Joint  
Rule 26.

9 On motion of Mrs. Nelson of Portland, referred to the Committee on  
Appropriations and Financial Affairs. Sent up for concurrence and ordered  
10 printed.

EDWIN H. PERT, Clerk

Presented by Representative Nelson of Portland.

11 Cosponsors: Senator Gill of Cumberland, Senator Danton of York and  
Representative Kelleher of Bangor.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-FOUR  
16

17 AN ACT to Amend the Statutes Relating to  
18 Handicapping Conditions Under the Human  
19 Services Law.  
20

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

23 Sec. 1. 22 MRSA c. 261 is repealed.

24 Sec. 2. 22 MRSA c. 261-A is enacted to read:

25 CHAPTER 261-A

26 PREVENTION OF HANDICAPPING CONDITIONS

27 §1531. Care of infants after birth

28 Every physician, midwife or nurse in charge shall  
29 instill or cause to be instilled into the eyes of an  
30 infant upon its birth one or 2 drops of a  
31 prophylactic solution prescribed by the department

1 and provided without cost by the department. If one  
2 or both eyes of an infant become reddened or inflamed  
3 at any time within 4 weeks after birth, the midwife,  
4 nurse or person having charge of the infant shall re-  
5 port the condition of the eyes at once to a legally  
6 qualified practitioner of medicine of the town in  
7 which the parents of the infant reside. Failure to  
8 comply with this section shall be punishable by a  
9 fine of not more than \$100 or by imprisonment for not  
10 more than 6 months.

11 §1532. Detection of mental retardation

12 The department may require hospitals, maternity  
13 homes and other maternity services to test newborn  
14 infants, or to cause them to be tested, for the pres-  
15 ence of metabolic abnormalities which may be expected  
16 to result in subsequent mental deficiencies. The  
17 department shall promulgate rules to define this re-  
18 quirement and the approved testing methods, materi-  
19 als, procedure and testing sequences. Reports and  
20 records of those making these tests may be required  
21 to be submitted to the department in accordance with  
22 departmental rules. The department may, on request,  
23 offer consultation, training and evaluation services  
24 to those testing facilities. The provisions of this  
25 section shall not apply if the parents of a child ob-  
26 ject to them on the grounds that the test conflicts  
27 with their religious tenets and practices.

28 §1533. Advisory program for genetic conditions

29 1. Purpose; program. A voluntary statewide  
30 genetics program is established, which offers test-  
31 ing, counseling and education to parents and prospec-  
32 tive parents. The program shall include, but not be  
33 limited to, the following services:

34 A. Follow-up programs for newborn testing, with  
35 emphasis on the counseling and education of women  
36 at risk for maternal phenylketonuria (PKU);

37 B. Comprehensive genetic services to all areas  
38 of the State and all segments of the population;

39 C. Development of counseling and testing pro-  
40 grams for the diagnosis and management of genetic  
41 conditions and metabolic disorders; and

- 1           D. Development and expansion of educational pro-  
2           grams for physicians, allied health professionals  
3           and the public, with respect to:
- 4                   (1) The nature of genetic processes;
- 5                   (2) The inheritance patterns of genetic  
6                   conditions; and
- 7                   (3) The means, methods and facilities  
8                   available to diagnose, counsel and treat ge-  
9                   netic conditions and metabolic disorders.
- 10           2. Responsibility for the program. The commis-  
11           sioner shall designate personnel within the Division  
12           of Maternal and Child Health to:
- 13                   A. Coordinate matters pertaining to detection,  
14                   prevention and treatment of genetic conditions  
15                   and metabolic disorders;
- 16                   B. Cooperate with and stimulate public and pri-  
17                   vate not-for-profit associations, agencies, cor-  
18                   porations, institutions or other entities in-  
19                   volved in developing and implementing eligible  
20                   programs and activities designed to provide ser-  
21                   vices for genetic conditions and metabolic disor-  
22                   ders;
- 23                   C. Administer any funds which are appropriated  
24                   for the services and expenses of a genetic  
25                   screening, counseling and education program;
- 26                   D. Enter into agreements and contracts for the  
27                   delivery of genetic services;
- 28                   E. Establish, promote and maintain a public in-  
29                   formation program on genetic conditions and  
30                   metabolic disorders and the availability of coun-  
31                   seling and treatment services;
- 32                   F. Publish, from time to time, the results of  
33                   any relevant research, investigation or survey  
34                   conducted on genetic conditions and metabolic  
35                   disorders and, from time to time, collate those  
36                   publications for distribution to scientific orga-

1 nizations and qualified scientists and physi-  
2 cians; and

3 G. Promulgate regulations necessary to carry out  
4 the purposes of this section.

5 3. Eligibility for contracts. A public or pri-  
6 ivate not-for-profit association, agency, corporation,  
7 institution or other entity shall be eligible to en-  
8 ter into contracts pursuant to this section if it  
9 satisfies the following requirements.

10 A. The entity shall submit an application for a  
11 contract in the manner and on forms prescribed by  
12 the commissioner.

13 B. The project or activity to be carried out by  
14 the entity, either directly or through an inte-  
15 grated, coordinated arrangement, shall include  
16 some or all of the following services:

17 (1) Prenatal testing and diagnosis;

18 (2) Genetic diagnosis, treatment and coun-  
19 seling;

20 (3) Newborn metabolic testing, laboratory  
21 services and nutritional follow-up; or

22 (4) Genetics education programs for health  
23 professionals and the public.

24 C. The project or activity shall be consistent  
25 with the objectives of this section and shall be  
26 coordinated with resources existing in the commu-  
27 nity in which it is located.

28 **Sec. 3. Appropriation.** The following funds are  
29 appropriated from the General Fund to carry out the  
30 purposes of this Act.

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1984-85

HUMAN SERVICES, DEPARTMENT OF

All Other \$250,000

STATEMENT OF FACT

The bill reorganizes the current chapter called "Prevention of Blindness." The bill also gives the chapter a new title, reflecting the larger purpose set forth in the section on the Advisory Program for Genetic Conditions.

Many inherited diseases, birth defects and metabolic disorders result in the hospitalization of hundreds of state residents each year. Many of these problems, which in many cases are handicapping and life-threatening, are preventable, or curable or treatable, especially if detected early.

The bill authorizes the Department of Human Services to administer such a program, contracting for certain services.

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