

Maine law changes disparaging language in state statutes, programs

By Lindsay Tice, Sun Journal

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Christina Mailhot got teased a lot as a child.

Born with Down syndrome, words like “retard” were flung at her every day, meant to be insulting. So when Mailhot, now 33 and a member of the Augusta-based self-advocacy group Speaking Up For Us, heard state officials using “mentally retarded” in relation to people with disabilities, she cringed.

“It’s legal talk; they’re legal words saying we are stupid,” she said. “I’m not that stupid, you know.”

Soon, such words will be wiped from Maine law and removed from the names of some Department of Health and Human Services programs. They will be replaced with phrases like “intellectual disability” and “person with a disability.”

“It’s about time,” Mailhot said. “It took forever.”

Disability rights advocates began pushing for a change in law in 2006. People with developmental disabilities and their families were growing frustrated with disparaging words in Maine law, including “crippled,” “deranged” and “invalids.” In 2007, the state Legislature asked the Maine Developmental Disabilities Council in Augusta to create a work group to identify the offensive words and phrases in state statutes.

“The stuff that was in there was just horrendous,” said Christina Mailhot’s mother, Irene Mailhot, who is director of Speaking Up For Us.

That work group came up with 62 terms found in hundreds of places throughout state law and policies and used regularly in public discussions.

Since then, various laws have been passed to replace offensive terms. One immediately removed a few words from state statutes and one changed the name of a program. Another law directed DHHS to review its statutes and come up with a plan to replace the offensive words, but Julia Bell, executive director of the Maine Developmental Disabilities Council, said DHHS never moved forward. Last year, she said, DHHS was directed to work with the council on the necessary changes.

A few weeks ago, the Legislature passed LD 1845, a bill that changes much of the remaining language in state statute and DHHS programs. Many of those changes turn “mental retardation” into “intellectual disability” and “mentally ill” into “person with a mental illness.”

Advocates say the changes remove the hated “retardation,” which was used frequently decades ago but has since become a schoolyard taunt. They say the changes also help to emphasize the person over the disability by placing the person first in a phrase.

“Just like you wouldn’t say ‘the cancer person,’ ” Irene Mailhot said. “You wouldn’t put the illness first. So why would you do that here?”

Gov. Paul LePage signed the bill on March 20. Because it was emergency legislation, the changes go into effect immediately.

Advocates hope the changes will set an example by showing some language is offensive and shouldn't be used.

"So often the language we use ends up reflecting our beliefs or steering our beliefs," Bell said. "It's a first step."

Offensive words and phrases and their recommended replacements:

- Afflicted (eliminate or use "affected")
- Crippled children (children with disabilities)
- Deranged (persons who have mental health diagnoses)
- Drunkard (person with alcoholism)
- Handicapped (eliminate as a noun, as in "the handicapped." Replace with "disabilities" when paired with a person, as in "child with disabilities")
- Lunatic (person declared legally incompetent)
- Mental deficiency (cognitive disability)
- Mental retardation (developmental disability)
- Mentally defective (has a cognitive disability)
- Senile (eliminate or use "people with dementia" or "people who have dementia")