

STATE OF MAINE

—

IN THE YEAR OF OUR LORD
TWO THOUSAND AND FIFTEEN

—

S.P. 426 - L.D. 1199

An Act To Clarify the Laws Governing the Bureau of Rehabilitation Services**Be it enacted by the People of the State of Maine as follows:**

Sec. 1. 5 MRSA §1821, as enacted by PL 1973, c. 198, is repealed.

Sec. 2. 5 MRSA §1822, as amended by PL 1995, c. 560, Pt. F, §4, is repealed.

Sec. 3. 5 MRSA §1823, as enacted by PL 1973, c. 198, is repealed.

Sec. 4. 5 MRSA §1824, as amended by PL 1993, c. 708, Pt. J, §4, is repealed.

Sec. 5. 26 MRSA §1411-A, sub-§4, as enacted by PL 1995, c. 560, Pt. F, §13, is amended to read:

4. Gainful employment. "Gainful employment" for a person who receives services from the Division for the Blind and Visually Impaired includes employment in the competitive labor market; practice of a profession; self-employment; homemaking; farm or family work, including work for which payment is in kind rather than in cash; supported employment; ~~sheltered employment~~; and ~~home industries or other gainful homebound work~~ home-based employment. "Gainful employment" for a person who receives services from the Division of Vocational Rehabilitation includes employment in the competitive labor market; practice of a profession; self-employment; supported employment; and home-based employment.

Sec. 6. 26 MRSA §1411-A, sub-§6, ¶C, as enacted by PL 1995, c. 560, Pt. F, §13, is amended to read:

C. Training services for people with disabilities, which ~~must~~ may include personal and vocational adjustment, on-the-job training and books and other training materials;

Sec. 7. 26 MRSA §1411-C, as enacted by PL 1995, c. 560, Pt. F, §13, is amended to read:

§1411-C. Authority

The department is the designated and state agency established as the sole state agency to provide rehabilitation services, including but not limited to vocational rehabilitation services, and to provide evaluation and vocational services for purposes of the ~~Federal~~ federal Rehabilitation Act of 1973 and acts amendatory and additional to the ~~Federal~~ federal Rehabilitation Act of 1973. The commissioner shall make those rules that the commissioner finds necessary and appropriate for the administration of a program of rehabilitation services and shall organize such a program within the department in a manner that is consistent with existing federal and state laws, rules and regulations.

Sec. 8. 26 MRSA §1411-D, sub-§8, as enacted by PL 1995, c. 560, Pt. F, §13, is amended to read:

8. Eligibility and priority. ~~Shall~~ Through the Bureau of Rehabilitation Services, Division of Vocational Rehabilitation and Division for the Blind and Visually Impaired, which are the designated state units under the federal Rehabilitation Act of 1973, shall determine the eligibility of individuals for rehabilitation services or evaluation and vocational services and the priority for those services in accordance with rules established by the department; and

Sec. 9. 26 MRSA §1411-D, sub-§9, as amended by PL 2011, c. 348, §8, is further amended to read:

9. Transitional services coordination. ~~Shall~~ Through the Bureau of Rehabilitation Services, Division of Vocational Rehabilitation and Division for the Blind and Visually Impaired, which are the designated state units under the federal Rehabilitation Act of 1973, shall participate with school administrative units in transition planning for each student receiving special education services who is 16 years of age or older, or 14 years of age if determined appropriate by the student's individualized education program team, and shall assign appropriate staff as a transition contact person and as a member of the transition planning team for each student.

Sec. 10. 26 MRSA §1411-E, sub-§1, as enacted by PL 1995, c. 560, Pt. F, §13, is amended to read:

1. Apply for assistance. Apply for federal assistance under the ~~Federal~~ federal Rehabilitation Act of 1973 and acts amendatory and additional to the ~~Federal~~ federal Rehabilitation Act of 1973, and to comply with conditions, not inconsistent with this article, that are required for such assistance; and

Sec. 11. 26 MRSA §1411-F, as enacted by PL 1995, c. 560, Pt. F, §13, is amended to read:

§1411-F. Receipt and disbursement of funds

The Treasurer of State is the appropriate officer of the State to receive and administer federal grants for rehabilitation programs, as contemplated by the ~~Federal~~ federal Rehabilitation Act of 1973 and acts amendatory and additional to the ~~Federal~~ federal Rehabilitation Act of 1973

Rehabilitation Act of 1973, and the State Controller shall authorize expenditures as approved by the department.

Sec. 12. 26 MRSA §1411-H, as enacted by PL 1995, c. 560, Pt. F, §13, is amended to read:

§1411-H. Maintenance not assignable

The right of a ~~handicapped or disadvantaged individual~~ person with a disability to maintenance under this article is not transferable or assignable at law or in equity and none of the money paid or payable or rights existing under this article are subject to execution, levy, attachment, garnishment or other legal process or to the operation of bankruptcy or insolvency law.

Sec. 13. 26 MRSA §1412-C, as enacted by PL 1995, c. 560, Pt. F, §13, is amended to read:

§1412-C. Bureau of Rehabilitation Services; Division of Vocational Rehabilitation

The commissioner shall establish within the department the Bureau of Rehabilitation Services, ~~which~~. Within the bureau, the Division of Vocational Rehabilitation, as the designated state unit under the federal Rehabilitation Act of 1973, shall administer that group of rehabilitation services to nonblind and nonvisually impaired individuals specifically related to the federal vocational rehabilitation programs.

Sec. 14. 26 MRSA §1412-E, as enacted by PL 1995, c. 560, Pt. F, §13, is amended to read:

§1412-E. Rules

The department is authorized to establish rules required for the proper administration of a vocational rehabilitation program under the ~~Federal~~ federal Rehabilitation Act of 1973 and acts amendatory and additional to the ~~Federal~~ federal Rehabilitation Act of 1973. These rules must include procedures for ensuring access to records by the protection and advocacy agencies designated under Title 5, Part 24 pursuant to an investigation of alleged rights violations.

Sec. 15. 26 MRSA §1413-C, first ¶, as amended by PL 2009, c. 652, Pt. A, §40, is further amended to read:

Within the ~~Department of Labor, Bureau of Rehabilitation Services, Division for the Deaf, Hard of Hearing and Late Deafened~~ department, the Commission for the Deaf, Hard of Hearing and Late Deafened, as established under Title 5, section 12004-J, subsection 17, consists of ~~24 up to 23~~ up to 23 members ~~and 3 members at large~~ appointed by the Governor and representing equally consumers, professionals and the public. Members serve 3-year terms and may serve multiple terms without limit. Members are entitled to compensation in accordance with Title 5, chapter 379.

Sec. 16. 26 MRSA §1418-C, as enacted by PL 1995, c. 560, Pt. F, §13, is amended to read:

§1418-C. Program established; Division for the Blind and Visually Impaired

The division, as the designated state unit under the federal Rehabilitation Act of 1973, shall administer services related to blind and visually impaired individuals. The division shall provide a program of services for ~~the~~ blind persons, including prevention of blindness, locating of blind persons, vocational guidance and training of ~~the~~ blind persons, placement of blind persons in employment, assistance to local schools in meeting the special needs of blind students, instruction of adult blind persons in their homes and other social services to ~~the~~ blind persons.