

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1108

S. P. 361

In Senate, March 12, 1979

Referred to the Committee on Health and Institutional Services. Sent down for concurrence and ordered printed.

Presented by Senator Gill of Cumberland.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

**AN ACT Authorizing the Maine Bureau of Rehabilitation to Provide for Sheltered Workshop Employment for Severely Handicapped Residents of the State of Maine.**

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

Sec. 1. 22 MRSA c. 715 is enacted to read:

**CHAPTER 715**

**SHELTERED WORKSHOP SUBSIDY**

§ 3081. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms shall have the following meanings.

1. **Competitively employable.** "Competitively employable" means able to compete in the open marketplace.

2. **Extended employee.** "Extended employee" means a severely handicapped person who:

A. Has been found, due to the nature of his disability, to be incapable of competing in the open or customary market;

**B. Is over 16 years of age and has been determined by a diagnostic vocational evaluation to be unemployable in the competitive labor market; and**

**C. Is able to earn at least 25% of the legally established minimum wage in an extended employment program.**

**3. Severely handicapped person.** A "severely handicapped person" means one who has a severe physical, emotional or mental disability which seriously limits functional capacities, such as mobility, communication, self-care, self-direction, work tolerance or work skills, in terms of employability, and who has:

**A. One or more physical, emotional or mental disability resulting from amputation, arthritis, blindness, cancer, cerebral palsy, cystic fibrosis, deafness, heart disease, hemoplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders, including stroke and epilepsy, paraplegia, quadraplegia or other spinal cord conditions, sickle cell anemia, end stage renal disease; or**

**B. Another disability or combination of disabilities which cause comparable substantial functional limitation.**

**4. Sheltered workshop.** "Sheltered workshop" means a structured workplace specifically for handicapped individuals which is an occupationally oriented facility operated by a private nonprofit agency.

**§ 3082. Extended sheltered employment program**

**1. Program established.** The Bureau of Rehabilitation shall administer a program of subsidized sheltered workshops for extended employees.

**2. Eligibility.** An individual is eligible for participation in the program established under subsection 1 if a diagnostic vocational evaluation either operated by or approved by the department finds that he is not competitively employable.

**3. Program requirement.** The department shall ensure that each individual participating in a program of sheltered workshops for extended employees shall work on industrial oriented projects.

**4. Subsidies.** The department shall award subsidies for eligible sheltered workshops in the amount of \$2,500 per worker per year.

**Sec. 2. Appropriation.** The following funds shall be appropriated from the General Fund to carry out the purposes of this Act.

1979-80

1980-81

HUMAN SERVICES, DEPARTMENT OF  
BUREAU OF REHABILITATION

Positions	(2)	(2)
Personnel	\$15,000	\$20,000
All Other	500,000	500,000
To be used to provide extended shelter employment for 200 eligible individuals.		

STATEMENT OF FACT

This bill authorizes the Department of Human Services, Bureau of Rehabilitation to subsidize a program of private nonprofit sheltered workshops to provide employment for persons who are severely handicapped. The bill provides an appropriation which will enable 200 of these persons to participate in sheltered workshop employment.

Employment is an important factor in the life of a handicapped person. Any workshop director in Maine can state that he knows of many more persons who are in need of extended shelter employment than he can possibly hire. Vocational rehabilitation counselors consistently report having to close cases without job placement because of the lack of appropriate sheltered shop situations.

It is in the public interest that state financial assistance be made available to sheltered workshops which provide employment programs for the severely handicapped, who are incapable of competing in the open market. As a result of the growing financial deficit faced by many sheltered workshops, they have been forced to limit the number of severely handicapped employees they can maintain and serve.

The alternative to state financial assistance is to deny severely handicapped persons rehabilitative services thus forcing them to become dependents of society in a state-operated facility or to be completely dependent on their families.

Extended sheltered workshop employment will not only alleviate the financial burdens of state institutions and the family, but will allow severely handicapped persons to earn a wage, pay taxes and contribute to the overall economy while continuing rehabilitative treatment.

The goals for extended employment programs therefore are:

1. To provide employment which allows a severely handicapped person to earn wages according to his productive capabilities and to continue efforts to place that person in competitive employment whenever possible;
2. To provide new and broadening social experiences;
3. To develop feelings of self-esteem and usefulness;
4. To relieve anxieties and tensions in the home;
5. To change behavior patterns;

6. To teach daily living skills; and
7. To keep the person functioning adequately in the community and to prevent physical and mental deterioration which could necessitate institutionalization.

Although firm data regarding potential use of sheltered workshops is difficult to obtain, there have been many studies and needs determinations made. One of these studies done in Maine in 1969 stated an estimate of 55,664 handicapped persons eligible for vocational rehabilitation services in 1975.<sup>1 2</sup>

Another report states that 5% of handicapped persons cannot undertake competitive employment and would benefit from extended sheltered employment.<sup>3</sup>

These figures highlight the potential Maine workshop population at approximately 2,000 persons. This is an extrapolation based on the possibility of all the potential vocational rehabilitation eligibles wanting services.

In summary, these numbers point out a pressing need for subsidizing sheltered workshops. This bill subsidizes 200 positions, which is a very conservative estimate in terms of the need, but is a realistic start.

#### **Footnotes**

<sup>1</sup>Page 90 "Final Report of Statewide Planning for Vocational Rehabilitation Services" (1969)

<sup>2</sup>There are 3 criteria for eligibility for vocational rehabilitation services:

- 1) A medically diagnosable condition related to a physical or mental condition;
- 2) Existence of a substantial handicap to employment; and
- 3) A reasonable expectation that the individual's vocational rehabilitation service can result in a gainful occupation.

<sup>3</sup> Page 22 "Extended Sheltered Employment in Massachusetts — A Planning Report," by John S. Levis, who was at that time, Massachusetts Rehabilitation Commissioner.