

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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operated and maintained by the Maine Turnpike Authority, or except as provided in section 2910, in the operation of aircraft, and who shall have paid any tax on internal combustion engine fuel levied or directed to be paid as provided by this chapter, either directly by the collection of the tax by the vendor from the consumer, or indirectly by adding the amount of that tax to the price of that fuel and paid by that consumer, shall be reimbursed and repaid to the extent of 8/9 of the amount of the tax paid by him upon presenting to the State Tax Assessor a sworn statement accompanied by the original invoices or other evidence as the State Tax Assessor may require showing those purchases, which statement shall show the total amount of the fuel so purchased and used by that consumer other than in **nonrailroad** motor vehicles operated or intended to be operated upon any of the public highways of the State and in the operation of aircraft.

Effective September 14, 1979

CHAPTER 550

H. P. 974 — L. D. 1242

AN ACT to Provide Personal Care Assistance Services to Enable Persons with a Severe Physical Disability to Work.

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

Sec. 1. 1 MRSA § 2501, sub-§ 22 is enacted to read:

22. Title 22.

A. Title 22, chapter 717 shall be repealed on January 1, 1983.

Sec. 2. 22 MRSA c. 717 is enacted to read:

CHAPTER 717

ASSISTANCE TO THE SEVERELY PHYSICALLY DISABLED

TO ENABLE THEM TO WORK

§ 3091. Definitions

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

1. **Bureau.** "Bureau" means the Bureau of Rehabilitation in the Department of Human Services.

2. **Employed.** "Employed" means engaged in activity of 20 or more hours per week for which the individual receives remuneration.

3. **Personal care assistance services.** "Personal care assistance services" means services rendered at least 5 days a week at the times of day required by an individual with a severe physical disability for him to become physically independent in connection with his capability for or actual employment. These services include, but are not limited to:

- A. Routine bodily functions, such as bowel or bladder care;
- B. Dressing;
- C. Preparation and consumption of food;
- D. Moving in and out of bed;
- E. Routine bathing;
- F. Ambulation; and
- G. Any other similar function of daily living.

4. **Severe physical disability.** "Severe physical disability" means a functional loss of the arms or legs, or both, when it is anticipated that the loss will be permanent.

§ 3092. Subsidy

The Bureau of Rehabilitation in the Department of Human Services shall subsidize personal care assistance services in accordance with this chapter for individuals eligible under section 3093.

§ 3093. Eligibility

An individual is eligible for a subsidy under section 3092 if he:

- 1. **Severe physical disability.** Has a severe physical disability;
- 2. **Employed.** Is employed or ready for employment;
- 3. **Need for services.** Has a need documented under section 3095 for no less than 14 nor more than 35 hours a week of personal care assistance services, which services are necessary to enable the individual to be employed;
- 4. **Not otherwise eligible.** Is not otherwise eligible for personal care assistance services under other state or federal programs;

5. Agrees to reevaluation. Agrees to a periodic reevaluation of his need for personal care assistance services and of the extent of that need; and

6. Qualifying income. Has an income which qualifies him under section 3094 for a personal care assistance subsidy.

§ 3094. Amount of subsidy

1. Formula. The bureau shall determine the amount of subsidy provided under section 3092 by the following formula:

- A. Compute the after-tax income of the individual for a 12-month period;
- B. Subtract \$1,260 from the after-tax income;
- C. Subtract 1/2 of the remainder determined under paragraph B; and
- D. Subtract \$3,504 from the remainder determined under paragraph C.

2. Subsidy for full cost of services. If there is no income remaining after the application of the formula outlined in subsection 1, the bureau shall subsidize the full cost for personal care assistance services provided to that individual from this appropriation.

3. Partial subsidy. If there is income remaining after application of the formula outlined in subsection 1, the program cost to the bureau for personal care assistance services provided to that individual shall be reduced by the amount of that income.

§ 3095. Evaluation team report

1. Team designation. The director of the bureau shall designate one or more evaluation teams, which shall consist of at least 2 persons, one of whom shall be a registered nurse, licensed under Title 32, chapter 31, subchapter III, and one of whom shall be a registered occupational therapist.

2. Duties. Each individual who applies to the bureau for a personal care assistance services subsidy shall be evaluated by an evaluation team, which shall determine the need of that individual for personal care assistance services and the extent of that need.

3. Redetermination. An individual receiving a personal care assistance services subsidy under section 3092 shall be periodically reevaluated by an evaluation team to determine his continuing need for personal care assistance services and the extent of that need.

§ 3096. Rules

The director of the bureau may, acting under Title 5, chapter 375, promulgate all rules necessary to carry out his duties under this chapter.

§ 3097. Legislative review

This chapter is subject to repeal under Title 1, section 2501. The legislative committee having jurisdiction over the review provided for in Title 1, section 2502, is the Joint Standing Committee on Health and Institutional Services. In addition to the contents required by Title 1, section 2503, the report prepared under that section shall also include:

- A. A determination as to the extent to which aid and services provided under this chapter remove disincentives to employment now embodied in federal law and thereby encourage severely physically disabled persons eligible for subsidy under this subtitle to secure employment suited to their disability;
- B. A determination of the numbers and types of severely physically disabled persons in need of the subsidy provided under this chapter, including analysis of factors constituting that need; and
- C. An assessment of the administration and delivery of that aid and those services and the cost effectiveness, advantages, disadvantages, problems and issues related to that administration and delivery.

Sec. 3. **Appropriation.** The following sums are 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	(1)	(1)
Personal Services	\$11,250	\$15,000
All Other	56,250	75,000
	Total	Total
	\$67,500	\$90,000

To be used to provide subsidies for personal care services to severely physical disabled individuals, to enable them to seek or hold a job. The cost will be offset by taxes generated by the employment of these individuals.