

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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Legislative Document

No. 559

H. P. 425

House of Representatives, February 3, 1971

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Jalbert of Lewiston.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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AN ACT Granting Permits to Blind Persons to Operate Vending Facilities  
in Public Buildings.

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

R. S., T. 22, §§ 3504 - 3511, additional. Title 22 of the Revised Statutes is amended by adding 8 new sections to be numbered 3504 to 3511, to read as follows:

§ 3504. Purpose

For the purpose of providing blind persons with remunerative employment, enlarging the economic opportunities of blind persons and stimulating blind persons to greater efforts to make themselves self-supporting with independent livelihoods, the officer, board or other authority in charge of any building or property of the State, any county or municipality shall grant to the Division of Eye Care in the Department of Health and Welfare authority to install in such buildings or such property a vending facility to be operated by a blind person duly licensed by the Division of Eye Care whenever a vending facility may be properly and satisfactorily operated by a blind person.

§ 3505. Definitions

As used in sections 3504 to 3511:

1. Blind person. "Blind person" means a person having not more than 10% visual acuity in the better eye with correction. This means a person who has not more than 20/200 central visual acuity in the better eye after correction or an equally disabling loss of the visual field of vision such that the widest diameter of the visual field subtends an angle no greater than 20°. Such blindness shall be certified by a duly licensed ophthalmologist.

2. Director. "Director" means the Director of the Division of Eye Care.
3. Division. "Division" means the Division of Eye Care in the Department of Health and Welfare.
4. Jurisdiction. "Jurisdiction" means the control of the maintainance, operation and protection of public buildings and property of the State of Maine or of any county or municipality.
5. Licensing agency. "Licensing agency" means the Division of Eye Care which is the state agency designated by the Vocational Rehabilitation Administration in the United States Department of Health, Education and Welfare to issue licenses to blind persons for the operation of vending facilities.
6. Operator. "Operator" means the individual blind person duly licensed by the Division of Eye Care who personally operates the vending facility.
7. Public building. "Public building or property" means any building or land owned, leased or occupied by any department, agency or authority of the State or any county or municipality of the State.
8. Vending facility. "Vending facility" means restaurant, cafeteria, snack bar, vending machines for food and beverages and goods and services customarily offered in connection with any of the foregoing.

#### § 3506. Preference

The officer, board or other authority in charge of any building or property of the State or of any county or municipality shall:

1. Policies. Adopt such policies and take such actions as may be necessary to assure that blind persons licensed by the Division of Eye Care will be given preference in establishment and operation of vending facilities on property under their jurisdiction.
2. Surveys. Cooperate with the division in surveys of properties and buildings under their control in order to find suitable locations for the operation of vending facilities by blind persons, and after it has been determined that such a facility may be properly and satisfactorily operated by a blind person, shall cooperate with the division in the installation of such vending facility.
3. Income. For the purpose of achieving and protecting the preference of blind persons in the operation of vending facilities as contemplated by sections 3504 to 3511, arrange for the assignment of the income derived from vending machines located within reasonable proximity to and in direct competition with a vending facility for which authority has been granted pursuant to sections 3504 to 3511, to the vending facility operator or operators affected. If a vending machine vends articles of a type authorized for vending pursuant to sections 3504 to 3511, and is so located that it attracts customers who would otherwise patronize the vending facility, such machine will be considered to be in reasonable proximity to and indirect competition with the vending facility.

4. **Licensing.** No less than 30 days prior to the reactivation or licensing for the operation of any vending operation, inform the division of such contemplated action.

5. **Locations.** Inform the division of any location where such vending facilities are planned or might be operated in or about other public buildings or properties as may now or thereafter come within the jurisdiction of any department, agency or authority of the State or of any county or municipality.

§ 3507. Powers and duties of the division

In carrying out sections 3504 to 3511 the division shall:

1. **Regulations.** Prescribe regulation governing:

A. Maintenance of a roster of eligibles and issuance of licenses.

B. Fair hearing; in the case of an operator, desiring to appeal any decision which he deems to be adverse to him, there shall be appointed a hearing board consisting of 3 persons, one to be chosen by the operator, one to be chosen by the division and the 3rd chosen by the 2. The decision of the board shall be final.

C. Right, title to and interest in vending facility equipment and stock.

D. Civil rights.

2. **Other.** Prescribe such other regulations as may be necessary to carry out the purposes of sections 3504 to 3511.

3. **Surveys.** Conduct surveys to find locations where vending facilities may be properly and satisfactorily operated by blind persons and shall establish vending facilities as it deems appropriate.

4. **Management.** Provide such management and supervisory services as are deemed necessary to assure that each such vending facility will be operated in the most effective and productive manner possible.

5. **Plans.** Provide plans and specifications for proposed vending facilities and equipment to the appropriate officer, board or authority for approval prior to installation.

6. **Other action.** Take any such other action as may be deemed necessary or appropriate to carry out the purposes of sections 3504 to 3511.

§ 3508. Construction, remodeling; planning for vending facility

To accentuate further the purposes of sections 3504 to 3511, when new construction, remodeling, leasing, acquisition or improvement of public buildings or properties is authorized, the agency directing such construction, remodeling, leasing, acquisition or improvement, shall, when the size of the building or properties warrants, make available suitable space and facilities for vending facilities to be operated therein by blind persons licensed by the division pursuant to sections 3504 to 3511.

**§ 3509. Construction of buildings**

If a suitable location is available for a vending facility which requires the construction of a portable building, the division may construct such a building and may have the use of such land to construct said building.

**§ 3510. Exemptions**

No license fee, rental or other charge shall be demanded, assessed, exacted, required or received for the granting of authority to a blind person licensed by the division to operate a vending facility pursuant to sections 3504 to 3511.

**§ 3511. Correctional, mental and certain educational institutions**

Sections 3504 to 3511 shall not apply nor authorize the installation of vending facilities in any building wholly used by any correctional or mental institution or by any educational institution of any type supported in whole or in part from public funds, unless such educational institution is of university, college, junior college grade or is a vocational technical institute.

**§ 3512. Application**

In buildings and properties where a vending facility exists, the present operator shall not be removed. If such operator ceases to operate such vending facility or if any existing lease expires, the authority to continue such facility shall remain with the persons now responsible for such vending facility.

**STATEMENT OF FACT**

The intent of this Act is reflected in the first section of the bill.