

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 249

S. P. 104

In Senate, January 18, 1973

Referred to the Committee on State Government. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Hichens of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

**AN ACT Establishing by Statute the Division of Eye Care for Services to
the Blind and the Visually Handicapped.**

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

Sec. 1. R. S., T. 22, §§ 3500-3500-C, additional. Title 22 of the Revised Statutes is amended by adding 4 new sections, 3500 to 3500-C, to read as follows:

§ 3500. Division of Eye Care

The Division of Eye Care, as heretofore established within the Department of Health and Welfare and hereafter in this chapter called the "division," shall be under the jurisdiction of the Director of the Division of Eye Care, hereafter in this chapter called the "director." The commissioner shall appoint the director, subject to the Personnel Law.

§ 3500-A. Visually handicapped, defined

A visually handicapped person means a person with a visual disability that prevents him from engaging in his normal activities.

§ 3500-B. Blindness, defined

"Blind person" 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 degrees. Such blindness shall be certified by a duly licensed ophthalmologist or optometrist.

§ 3500-C. Jurisdiction of Director of Division of Eye Care, defined

Jurisdiction of director means having direct administrative responsibility for all programs and personnel under Division of Eye Care, sections 3500 to 3512.

Sec. 2. R. S., T. 22, § 3501, amended. Section 3501 of Title 22 of the Revised Statutes is amended to read as follows:

§ 3501. Program established

The ~~department~~ **division** shall provide ~~or cooperate with other public agencies in providing~~ a program of services for the blind **and visually handicapped**, including the prevention of blindness, the locating of blind **and visually handicapped** persons, medical service for eye conditions, vocational guidance and training of the blind **and visually handicapped**, the placement of blind **and visually handicapped** persons in employment, assistance to the blind **and visually handicapped** in marketing the products of home industries, the instruction of the adult blind **and visually handicapped** in their homes, and other social services to the blind **and visually handicapped**.

Sec. 3. R. S., T. 22, § 3502, amended. Section 3502 of Title 22 of the Revised Statutes, as amended, is further amended to read as follows:

§ 3502. Education of blind children

Upon the request, and with the approval, of the parents or guardians, the ~~department may~~ **division** shall send such blind children as it may deem fit subjects for education for any length of time in the discretion of the ~~department~~ **division** but not beyond the time when said child has reached its 23rd birthday, to any school considered by the ~~department~~ **division** to be qualified to provide suitable education for the blind child. In the exercise of the discretionary power conferred by this section, no distinction shall be made on account of the wealth or poverty of the parents or guardians of such children. The sums necessary for the support and instruction of such pupils in such school, including all traveling expenses of such pupils may be paid by the State. Nothing herein contained shall be held to prevent the ~~Department of Health and Welfare~~ **division** from securing whole or partial payment of such sums from the parents or guardians of such pupils or from local school systems.

Sec. 4. R. S., T. 22, § 3503, amended. Section 3503 of Title 22 of the Revised Statutes, as enacted by chapter 232 of the public laws of 1967, is amended to read as follows:

§ 3503. Mandatory report of blindness

Whenever, upon examination at a clinic, hospital or other institution, or elsewhere, by a physician or optometrist the visual acuity of any person is found to be with correction 20/200 or less in the better eye or the peripheral field of his vision to have contracted to the 20 degree radius or less regardless of visual acuity, the physician, optometrist, institutional superintendent or other person conducting the examination shall within 30 days report to

the ~~Commissioner of Health and Welfare~~ **director** the result of the examination and that blindness of the person examined has been established. Such report shall not be made if the person examined so requests. The ~~department~~ **division** shall inform and advise such persons as to services for the blind provided by the ~~department~~ **division**.

STATEMENT OF FACT

The purpose of this Act is to assure that the blind and visually handicapped citizens of Maine have a legal designated advocate within the Department of Health and Welfare with direct responsibility for providing services to the blind.