

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 261

H. P. 224

House of Representatives, January 14, 1981

Submitted by the Department of Human Services pursuant to Joint Rule 24.

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

EDWIN H. PERT, Clerk

Presented by Mr. G.W. Diamond of Windham.

Cosponsors: Mr. Clark of Millinocket, Mr. Michaud of E. Millinocket and Mr. Lisnik of Presque Isle.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

**AN ACT to Establish a Maine Set-aside Program under the State Purchasing Law to Expand Work Opportunities for Multiple Handicapped Citizens.**

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 amended to read:

§ 1821. Purpose

The purpose of sections 1821 to 1824 is to provide an expanded, more constant market for ~~blind made products services provided or products made or manufactured by handicapped individuals employed by workshops operated in conjunction with rehabilitation facilities~~ and further the State of Maine's policy of encouraging and assisting handicapped citizens to achieve maximum personal independence by engaging in useful and productive activities. Resultant expanded employment opportunities would enhance the dignity of ~~blind and visually handicapped workers individuals~~, generate tax dollars from earnings and ultimately reduce the need for welfare dependency. It is further predicted that the program presented will help ~~not only blind workers but will handicapped individuals~~ and result in job opportunities needed by multiple handicapped ~~blind persons who, unless provided with such employment opportunities, are in danger of becoming lifetime, nonproductive residents of state institutions and that the~~

~~immense savings in costs of permanent institutionalization of such multiple handicapped blind persons will greatly exceed the costs of the program hereby established.~~

Sec. 2. 5 MRSA § 1821-A is enacted to read:

§ 1821-A. Definitions

As used in sections 1821 to 1824, unless the content otherwise indicates, the following terms have the following meanings.

1. **Handicapped individual.** "Handicapped individual" means an individual who has a physical or mental disability which substantially limits one or more major life activities, has a record of such impairment or is regarded by the Commissioner of Human Services as having such an impairment, which for that individual constitutes or results in a substantial handicap to employment, and for whom vocational rehabilitation services may reasonably be expected to be beneficial in terms of employability.

2. **Physical or mental disability.** "Physical or mental disability" means a physical or mental condition which materially limits, contributes to limiting or, if not corrected, is reasonably likely to result in limiting an individual's activities or functions.

3. **Services provided or products made or manufactured by handicapped individuals.** "Services provided or products made or manufactured by handicapped individuals" means services or products involving not less than 75% of the man hours of direct labor being performed by handicapped individuals.

4. **Vocational rehabilitation facility.** "Vocational rehabilitation facility" means a facility which is operated for the primary purpose of providing vocational rehabilitation services to handicapped individuals and which provides singly, or in combination, one or more of the following services:

- A. Vocational rehabilitation services, including under one management, medical, psychiatric, psychological, social and vocational services;
- B. Testing, fitting or training in the use of prosthetic and orthotic devices;
- C. Prevocational conditioning or recreational therapy;
- D. Speech and hearing therapy;
- E. Physical and occupational therapy;
- F. Psychological and social services;
- G. Evaluation of rehabilitation potential;
- H. Personal and work adjustment training;
- I. Vocational training in combination with other rehabilitation services with a view/career advancement;

**J. Evaluation or control of specific disabilities;**

**K. Orientation and mobility services and other adjustment services to blind individuals; and**

**L. Transitional or extended employment for those handicapped individuals who cannot be really absorbed in the competitive labor market.**

**5. Workshop.** "Workshop" means a rehabilitation facility, or that part of a rehabilitation facility engaged in production or service operation for the primary purpose of providing gainful employment as an interim step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market or during such time as employment opportunities for them in the competitive labor market do not exist.

Sec. 3. 5 MRSA § 1822, as enacted by PL 1973, c. 198, is repealed and the following enacted in its place:

**§ 1822. Committee established**

There is established a committee to be known as the State Set-aside Committee. The committee shall consist of the State Purchasing Agent, the Director of the Bureau of Rehabilitation, the Director of the Division of Eye Care, the Executive Director of the Maine Center for the Blind and a representative of the Maine Sheltered Employment Association and 2 handicapped individuals, each appointed by the Governor for a 2-year term, who are knowledgeable in the area of employment and who shall serve without compensation except for reimbursement of necessary expenses incurred in the performance of their duties. The necessary expenses of the 2 handicapped representatives shall be paid equally from the appropriations of the state agencies involved. The committee shall:

**1. Identify facilities.** Identify rehabilitation facilities within the meaning and intent of sections 1821 to 1824;

**2. Certification.** Certify that the workshop is established, operated or funded by nonprofit and nonsectarian organizations incorporated within the State for the purpose of providing handicapped individuals with training and employment;

**3. Distribution of bids and requests.** Insure that bids and requests for proposals generated by the Bureau of Purchases are distributed to rehabilitation facilities at the time of their issuance;

**4. Procedures in awarding contracts.** Insure that the State Purchasing Agent follows usual and customary procedures in awarding contracts to the workshop if the workshop is low bidder;

**5. Review and evaluation of bids; recommendations.** Review and evaluate competitive bids and make recommendations to the State Purchasing Agent regarding the awarding of contracts to workshops which have submitted bids, taking into consideration the workshop's price, quantity, quality and ability to meet stated specifications;

6. Continuation and termination of awards; recommendation. Determine whether or not products produced or services provided by a workshop continue to meet specifications and make recommendations to the State Purchasing Agent regarding continuation and termination of awards; and

7. Rules and regulations. Make sure other rules and regulations as are necessary to carry out the purposes of sections 1821 and 1824 and review and revise them as necessary to insure their continued effectiveness.

Sec. 4. 5 MRSA § 1823, as enacted by PL 1973, c. 198, is amended to read:

**§ 1823. Price determination**

Price determination shall be made to recover the manufacturing costs of labor, material, overhead and delivery, but without profit to ~~the Maine Institution for the Blind~~ workshops.

Sec. 5. 5 MRSA § 1824, as enacted by Pl 1973, c. 198, is amended to read:

**§ 1824. Procurement by State or any political subdivisions thereof**

Products manufactured by ~~the blind and offered for sale by the Maine Institution for the Blind~~ or services provided by handicapped individuals employed by workshops meeting specifications prescribed by the State Purchasing Agent, which the State or any political subdivision, governmental agency or public benefit corporation thereof shall require for their purposes, shall be purchased, when and where possible, from the ~~Maine Institution for the Blind workshops~~ whenever ~~such those~~ products are selected by the committee, and agreeable to ~~Maine Institution for the Blind the workshop~~ and offered to such State or political subdivision, governmental agency or public benefit corporation thereof, at the agreed-upon price and according to the rules and regulations as made by the committee.

### STATEMENT OF FACT

A State of Maine Set-aside Program will provide expanded work opportunities for multiple handicapped Maine citizens. It encourages the state purchase of commodities, projects and services through agencies and sheltered workshops serving the handicapped. The handicapped are not able to compete or be absorbed into the competitive labor market. The Maine Set-aside Program will mean another source of revenue for agencies serving these handicapped citizens.