

MAINE STATE LEGISLATURE

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(EMERGENCY)

FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 1191

S.P. 391

In Senate, March 15, 1983

Referred to the Committee on Appropriations and Financial Affairs. Sent down for concurrence and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Gill of Cumberland.

Cosponsors: Senator Diamond of Cumberland, Senator Carpenter of Aroostook and Representative Kelleher of Bangor.

STATE OF MAINE

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

**AN ACT to Enact a Program of Assistance
to the Severely Physically Disabled to
Enable them to Work.**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this program was enacted by the 109th Legislature to provide assistance to the severely physically disabled, helping them to resume work or continue to work; and

Whereas, this program was repealed under the provisions of Title 1, section 2502, which had called for a study of the program by the joint standing committee of the Legislature having jurisdiction over health and institutional services; and

1 Whereas, this study was not able to be undertaken
2 because, due to delays in funding, the program was
3 not implemented until a year later than the antici-
4 pated starting time; and

5 Whereas, the failure to submit legislation ear-
6 lier has resulted in the loss of authority for the
7 Department of Human Services to administer this pro-
8 gram; and

9 Whereas, this program is vitally important to
10 severely disabled individuals in the State; and

11 Whereas, in the judgment of the Legislature,
12 these facts create an emergency within the meaning of
13 the Constitution of Maine and require the following
14 legislation as immediately necessary for the preser-
15 vation of the public peace, health and safety; now,
16 therefore,

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

19 Sec. 1. 1 MRSA §2501, sub-§22, as enacted by PL
20 1979, c. 550, §1, is amended to read:

21 22. Title 22.

22 A. Title 22, chapter ~~717~~ shall be 717-A is
23 repealed on January 1, ~~1983~~ 1986.

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

25 CHAPTER 717-A

26 ASSISTANCE TO THE SEVERELY PHYSICALLY
27 DISABLED TO ENABLE THEM TO WORK

28 §3091-A. Definitions

29 As used in this chapter, unless the context indi-
30 cates otherwise, the following terms have the follow-
31 ing meanings.

32 1. Bureau. "Bureau" means the Bureau of Reha-
33 ilitation in the Department of Human Services.

1 2. Employed. "Employed" means engaged in activ-
2 ity of 20 or more hours per week for which the indi-
3 vidual receives remuneration.

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

11 A. Routine bodily functions, such as bowel or
12 bladder care;

13 B. Dressing;

14 C. Preparation and consumption of food;

15 D. Moving in and out of bed;

16 E. Routine bathing;

17 F. Ambulation; and

18 G. Any other similar function of daily living.

19 4. Severe physical disability. "Severe physical
20 disability" means a functional loss of 3 extremities,
21 when it is anticipated that the loss will be perma-
22 nent.

23 §3092-A. Subsidy

24 The Bureau of Rehabilitation shall subsidize per-
25 sonal care assistance services in accordance with
26 this chapter for individuals eligible under section
27 3093-A. The amount of the subsidy for each hour of
28 personal care assistance services shall be determined
29 by the director of the bureau as provided in section
30 3094-A.

31 §3093-A. Eligibility

32 An individual is eligible for a subsidy under
33 section 3092-A if he:

1 1. Severe physical disability. Has a severe
2 physical disability;

3 2. Employed. Is employed or ready for employ-
4 ment;

5 3. Need for services. Has a need documented
6 under section 3094-A for no less than 14 nor more
7 than 35 hours a week of personal care assistance ser-
8 vices, which services are necessary to enable the
9 individual to be employed. The limitation of 35
10 hours may be exceeded as provided in section 3094-A;

11 4. Not otherwise eligible. Is not otherwise
12 eligible for personal care assistance services under
13 other state or federal programs;

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

17 6. Qualifying income. Has an income which
18 qualifies him under section 3094-A for a personal
19 care assistance subsidy.

20 §3094-A. Evaluation team report

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

27 2. Duties. An individual who applies to the
28 bureau for a personal care assistance services sub-
29 sidy shall be evaluated by an evaluation team, which
30 shall determine the need of that individual for per-
31 sonal care assistance services and the extent of that
32 need. If the team determines that the individual
33 needs more than 35 hours a week of personal care
34 assistance services, that recommendation shall be
35 part of the report to the director.

36 3. Redetermination. An individual receiving a
37 personal care assistance services subsidy under
38 section 3092-A shall be periodically reevaluated by

1 an evaluation team to determine his continuing need
2 for personal care assistance services and the extent
3 of that need.

4 §3095-A. Rules

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

8 §3096-A. Legislative review

9 The legislative committee having jurisdiction
10 over the review provided for in Title 1, section
11 2502, is the joint standing committee of the Legis-
12 lature having jurisdiction over health and institu-
13 tional services. In addition to the contents re-
14 quired by Title 1, section 2503, the report prepared
15 under that section shall also include:

16 1. Removal of disincentives to employment. A
17 determination as to the extent to which aid and ser-
18 vices provided under this chapter remove
19 disincentives to employment now embodied in federal
20 law and thereby encourage severely physically dis-
21 abled persons eligible for subsidy under this sub-
22 title to secure employment suited to their disabil-
23 ity;

24 2. Numbers and types of severely physically dis-
25 abled persons in need of subsidy. A determination of
26 the numbers and types of severely physically disabled
27 persons in need of the subsidy provided under this
28 chapter, including analysis of factors constituting
29 that need; and

30 3. Administration and delivery of aid and ser-
31 vices. An assessment of the administration and
32 delivery of that aid and those services and the cost
33 effectiveness, advantages, disadvantages, problems
34 and issues related to that administration and deliv-
35 ery.

36 Appropriation. The following funds are appropri-
37 ated from the General Fund to carry out the purposes
38 of this Act.

1 This bill enables severely disabled individuals
2 to use their skills and ambition to make a useful
3 contribution to Maine by working and competing in the
4 open marketplace.

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