

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

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Legislative Document

No. 1498

S.P. 487

In Senate, May 13, 1993

**Resolve, to Transfer the Responsibilities of the Division for the Blind and Visually Impaired from the Department of Human Services to the Department of Education.**

(EMERGENCY)

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Reference to the Committee on Education suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator AMERO of Cumberland. (GOVERNOR'S BILL).  
Cosponsored by Representative: OLIVER of Portland.

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

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6           **Whereas,** there has been ongoing planning for moving the  
Division for the Blind and Visually Impaired from the Department  
of Human Services to the Department of Education; and

8  
10          **Whereas,** there is consensus among all constituencies that  
such a move is appropriate for the delivery of blind or visually  
impaired rehabilitation services; and

12  
14          **Whereas,** the Commissioner of Education must be allowed one  
year to develop specific language detailing the statutory and  
budgeting changes necessary to effect the final transition by  
16 January 30, 1994; and

18          **Whereas,** in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
20 Maine and require the following legislation as immediately  
necessary for the preservation of the public peace, health and  
22 safety; now, therefore, be it

24          **Sec. 1. Division for the Blind and Visually Impaired transferred;  
transition. Resolved:** That the Department of Education shall  
26 assume all responsibilities of the Division for the Blind and  
Visually Impaired, within the Department of Human Services. All  
28 duties and responsibilities of the Division for the Blind and  
Visually Impaired become the duties and responsibilities of the  
30 Department of Education on the effective date of this resolve.  
All positions, employees and related functions of the Division  
32 for the Blind and Visually Impaired must be transferred  
administratively to the Department of Education. All existing  
34 appropriations and allocations of the Division for the Blind and  
Visually Impaired are transferred to the Department of Education.

36          The Commissioner of Education shall submit to the Legislature no  
38 later than January 30, 1994 specific language detailing the  
statutory and budgeting changes necessary including the  
40 independent federal rehabilitation plan to effect the final  
transition of the Division for the Blind and Visually Impaired to  
42 the Department of Education. Laws affecting the Division for the  
Blind and Visually Impaired remain in effect until new laws take  
44 effect following the January 30, 1994 submission by the  
Commissioner of Education.

46          **Emergency clause.** In view of the emergency cited in the  
48 preamble, this resolve takes effect when approved.

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**STATEMENT OF FACT**

4           This resolve transfers the responsibilities of the Division  
6 for the Blind and Visually Impaired from the Department of Human  
8 Services to the Department of Education and provides a transition  
period for the Commissioner of Education to propose any necessary  
statutory and budget language to implement the final transition.