

# MAINE STATE LEGISLATURE

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Date: 3/2/12

L.D. 765  
(Filing No. H-737)

**LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
125TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "**B**" to H.P. 572, L.D. 765, Bill, "An Act To Address the Documented Educational and Rehabilitation Needs of Persons Who Are Blind or Visually Impaired"

Amend the bill by striking out everything after the title and before the summary and inserting the following:

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

**Whereas,** legal requirements regarding the educational needs of children who are blind or visually impaired are not currently being met; and

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

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

**Sec. 1. 26 MRSA §1418-D, sub-§2,** as enacted by PL 1995, c. 560, Pt. F, §13, is amended to read:

**2. Department of Education input; school administrative units.** The division shall ensure that the Department of Education has input into any contract to provide educational services and delivery of those services to blind or visually impaired children from birth to 20 years of age. Educational services that are required by federal law to be provided to blind or visually impaired children from birth to 20 years of age must take precedence over services provided to blind or visually impaired adults. Nothing in this section relieves school administrative units from fulfilling their responsibilities under Title 20-A, Part 4, subpart 1.

**Sec. 2. Department of Labor; lapsed balances.** Notwithstanding any other provision of law, \$13,963 of unencumbered balance forward from the Department of

**COMMITTEE AMENDMENT**

ROFS

COMMITTEE AMENDMENT "B" to H.P. 572, L.D. 765

1 Labor, Governor's Training Initiative Program, General Fund account, All Other line  
2 category lapses to the General Fund no later than June 30, 2012.

3 **Sec. 3. Appropriations and allocations.** The following appropriations and  
4 allocations are made.

5 **LABOR, DEPARTMENT OF**

6 **Blind and Visually Impaired - Division for the 0126**

7 Initiative: Allocates one-time funds transferred from the Department of Education to  
8 support the cost of 2 Certified Teacher of Visually Impaired contracted positions to  
9 provide direct services to children in the classroom in fiscal year 2011-12 only.

10	<b>FEDERAL EXPENDITURES FUND</b>	<b>2011-12</b>	<b>2012-13</b>
11	All Other	\$40,000	\$0
12			
13	<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<u>\$40,000</u>	<u>\$0</u>

14 **Blind and Visually Impaired - Division for the 0126**

15 Initiative: Provides ongoing funds for 2 Certified Teacher of Visually Impaired  
16 contracted positions to provide direct services to children in the classroom beginning in  
17 fiscal year 2012-13.

18	<b>GENERAL FUND</b>	<b>2011-12</b>	<b>2012-13</b>
19	All Other	\$0	\$158,820
20			
21	<b>GENERAL FUND TOTAL</b>	<u>\$0</u>	<u>\$158,820</u>

22 **Blind and Visually Impaired - Division for the 0126**

23 Initiative: Provides ongoing funds for one Orientation and Mobility Specialist position  
24 and related All Other effective May 1, 2012 to provide instruction in safe and  
25 independent travel to children and adults.

26	<b>GENERAL FUND</b>	<b>2011-12</b>	<b>2012-13</b>
27	POSITIONS - LEGISLATIVE COUNT	1,000	1,000
28	Personal Services	\$10,630	\$66,312
29	All Other	\$3,333	\$5,000
30			
31	<b>GENERAL FUND TOTAL</b>	<u>\$13,963</u>	<u>\$71,312</u>

32 **Blind and Visually Impaired - Division for the 0126**

33 Initiative: Provides ongoing funds for one Blindness and Rehabilitation Specialist  
34 position and related All Other effective July 1, 2012 to provide case management services  
35 for children.

1	<b>GENERAL FUND</b>	<b>2011-12</b>	<b>2012-13</b>
2	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
3	Personal Services	\$0	\$63,783
4	All Other	\$0	\$7,500
5			
6	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$71,283</u>

7 **Blind and Visually Impaired - Division for the 0126**  
 8 Initiative: Provides ongoing funds for 2 Vision Rehabilitation Therapist contracted  
 9 positions beginning in fiscal year 2012-13 to teach independent living and job readiness  
 10 skills to certain transition-age students, working-age adults and seniors.

11	<b>GENERAL FUND</b>	<b>2011-12</b>	<b>2012-13</b>
12	All Other	\$0	\$136,848
13			
14	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$136,848</u>

15 **Blind and Visually Impaired - Division for the 0126**  
 16 Initiative: Provides funds for one half-time Orientation and Mobility Specialist position to  
 17 work with children and adults in the classroom and in the community to provide  
 18 instruction in safe and independent travel.

19	<b>FEDERAL EXPENDITURES FUND</b>	<b>2011-12</b>	<b>2012-13</b>
20	POSITIONS - LEGISLATIVE COUNT	0.500	0.500
21	Personal Services	\$6,065	\$37,657
22			
23	FEDERAL EXPENDITURES FUND TOTAL	<u>\$6,065</u>	<u>\$37,657</u>

24	<b>LABOR, DEPARTMENT OF</b>		
25	<b>DEPARTMENT TOTALS</b>	<b>2011-12</b>	<b>2012-13</b>
26			
27	GENERAL FUND	\$13,963	\$438,263
28	FEDERAL EXPENDITURES FUND	\$46,065	\$37,657
29			
30	DEPARTMENT TOTAL - ALL FUNDS	<u>\$60,028</u>	<u>\$475,920</u>

31 **Emergency clause.** In view of the emergency cited in the preamble, this  
 32 legislation takes effect when approved.'

33 **SUMMARY**

34 This amendment replaces the bill and:

ROFS

COMMITTEE AMENDMENT "B" to H.P. 572, L.D. 765

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1. Provides funding for 2 Certified Teacher of Visually Impaired contracted positions. Funding for fiscal year 2011-12 is provided through a transfer of federal funds from the Department of Education to the Department of Labor. Beginning in fiscal year 2012-13, funding for the contracted positions is provided through General Fund appropriations;

2. Provides funding for 2 Vision Rehabilitation Therapist contracted positions beginning in fiscal year 2012-13 to teach independent living and job readiness skills;

3. Establishes one full-time and one half-time Orientation and Mobility Specialist position within the Department of Labor, Division for the Blind and Visually Impaired to provide instruction in safe and independent travel to children and adults; and

4. Establishes one Blindness and Rehabilitation Specialist position within the Division for the Blind and Visually Impaired beginning in fiscal year 2012-13 to provide case management services.

The amendment directs the Department of Labor and the Department of Education to work together to develop contracts to provide educational services and clarifies that educational services required by federal law to be provided to blind and visually impaired children from birth to 20 years of age take precedence over such services provided to blind or visually impaired adults.

The amendment adds an emergency preamble and emergency clause.

**FISCAL NOTE REQUIRED**

**(See attached)**

**COMMITTEE AMENDMENT**



# 125th MAINE LEGISLATURE

LD 765

LR 754(04)

## An Act To Address the Documented Educational and Rehabilitation Needs of Persons Who Are Blind or Visually Impaired

Fiscal Note for Bill as Amended by Committee Amendment "B" (H-737)  
Committee: Labor, Commerce, Research and Economic Development  
Fiscal Note Required: Yes

### Fiscal Note

	FY 2011-12	FY 2012-13	Projections FY 2013-14	Projections FY 2014-15
<b>Net Cost (Savings)</b>				
General Fund	\$0	\$438,263	\$440,932	\$445,962
<b>Appropriations/Allocations</b>				
General Fund	\$13,963	\$438,263	\$440,932	\$445,962
Federal Expenditures Fund	\$46,065	\$37,657	\$38,977	\$40,172
<b>Transfers</b>				
General Fund	\$13,963	\$0	\$0	\$0

#### Fiscal Detail and Notes

This bill includes General Fund appropriations totaling \$13,963 in fiscal year 2011-12 and \$438,263 in fiscal year 2012-13 to the Division for the Blind and Visually Impaired within the Department of Labor to provide federally mandated services to blind and visually impaired children and adults.

Of this amount, \$13,963 in fiscal year 2011-12 and \$142,595 is appropriated for one Orientation and Mobility Specialist position (effective May 1, 2012) and one Blindness and Rehabilitation Specialist position (effective July 1, 2012) to be established within the Division to provide instruction in safe and independent travel to children and adults and to provide case management services for blind children. The \$295,668 balance of the General Fund appropriation in fiscal year 2012-13 is provided to support the cost of two Certified Teacher of Visually Impaired contracted positions and two Vision Rehabilitation Therapist contracted positions to provide direct services to children in the classroom and to teach independent living and job readiness skills to certain transition age students, working age adults and seniors.

C "B" (H-737)

This bill also includes Federal Expenditures Fund allocations totaling \$46,065 in fiscal year 2011-12 and \$37,657 in fiscal year 2012-13. Of that amount, \$40,000 is allocated on a one-time basis in fiscal year 2011-12 to support the cost of two Certified Teacher of Visually Impaired contracted positions. The funding to support the positions will come from a one-time transfer of federal funds from the Department of Education. The remaining \$6,065 in fiscal year 2011-12 and \$37,657 in fiscal year 2012-13 are provided for the cost of one half-time Orientation and Mobility Specialist position to be established within the Division for the Blind and Visually Impaired to work with children and adults in the classroom and in the community to provide instruction in safe and independent travel.

Finally, this bill includes language that lapses \$13,963 from the Governor's Training Initiative Program, General Fund account to the the General Fund no later than June 30, 2012 to offset the fiscal year 2011-12 General Fund appropriation.