

MAINE STATE LEGISLATURE

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NINETY-SEVENTH LEGISLATURE

Legislative Document

No. 1127

H. P. 979

House of Representatives, March 2, 1955.

Referred to Committee on Education. Sent up for concurrence and 750 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Roundy of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

AN ACT Relating to Determination of Physical Disability by Department of Education.

Emergency preamble. Whereas, under the Social Security Amendments of 1954, certain benefits are made available to residents of this State; and

Whereas, the Federal Department of Health, Education and Welfare has asked that a State agency be designated to determine eligibility to these benefits and authorized to make an agreement between the State and Federal agencies involved which must be completed so as to be operative prior to April 1, 1955; and

Whereas, amendments to the Federal Social Security Act enacted by the 83rd Congress include a provision to preserve the Old-Age and Survivors Insurance Benefit rights of qualified persons who are totally disabled for an extended period of time and in the administration of this provision, the Secretary of Health, Education and Welfare is directed to enter into an agreement with each State which is willing to make such an agreement under which the State agency or agencies administering the State plan approved under the Vocational Rehabilitation Act, or any other State designated agency, will make the necessary determinations regarding the onset, nature and duration of the individual's disability, and the designated State agency will, pursuant to agreement, be paid in advance or by way of reimbursement, as may be mutually agreed upon, for the necessary cost of carrying the program; and

Whereas, the mention of the Vocational Rehabilitation Agency in the Federal Statute reflects the policy of the Congress that the maximum number of disabled persons be restored to productive activity and in Maine, general vocational re-

habilitation services are provided by the Department of Education and the procedures and services which will be called for in carrying out the provisions of this act are virtually identical to procedures now carried on by the Department of Education in the existing vocational rehabilitation program; and

Whereas, acts and resolves passed by the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; 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:

R. S., c. 41, § 202-A to 202-D, additional. Chapter 41 of the revised statutes is hereby amended by adding thereto 4 new sections to be numbered 202-A to 202-D inclusive, to read as follows:

'Sec. 202-A. State Agency designated; Federal-State agreement. The Department of Education is hereby designated as the State Agency to make determinations of disability required under Section 211 of Title II of the Federal Social Security Act as set forth in Section 106, Public Law 761, 83rd Congress, and the Commissioner of Education, subject to approval of the Governor, is hereby authorized and empowered to enter into an agreement on behalf of the State with the Secretary of Health, Education and Welfare to carry out the provisions of Title II of the Federal Social Security Act relating to the making of determinations of disability.

Sec. 202-B. Funds. The Treasurer of State is hereby authorized and directed to act as custodian of the moneys paid by the Federal Government to the State to carry out the agreement referred to in section 202-A and, subject to the provisions of section 29 of chapter 16 of the revised statutes, shall disburse such moneys in accordance with the direction of the Commissioner of Education or his designated representatives.

Sec. 202-C. Cost of administration. Any cost of administering the provisions of this act shall be paid from funds received from federal sources in accordance with the agreement made under section 202-A.

Sec. 202-D. Rules and regulations. The Commissioner of Education shall make such rules and regulations as he finds necessary or appropriate to the efficient administration of the duties imposed on the Department of Education by the provisions of sections 202-A to 202-D, inclusive.'

Emergency clause. In view of the emergency cited in the preamble hereof, this act shall take effect when approved.