

# MAINE STATE LEGISLATURE

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## N I N E T Y - N I N T H   L E G I S L A T U R E

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### Legislative Document

No. 429

H. P. 282

House of Representatives, February 4, 1959

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

HARVEY R. PEASE, Clerk

Presented by Mr. Cousins of Bangor.

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## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-NINE

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### AN ACT Providing for Vocational Rehabilitation of Handicapped Individuals.

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

R. S., c. 41, §§ 195-A-195-M, additional. Chapter 41 of the Revised Statutes is amended by adding 13 new subsections to be numbered 195-A to 195-M, to read as follows:

#### ‘Vocational Rehabilitation.

Sec. 195-A. Purpose. The purpose of sections 195-A to 195-M is to provide for and improve the rehabilitation of physically handicapped individuals other than the blind so that they may prepare for and engage in remunerative employment to the extent of their capabilities, thereby increasing not only their social and economic well-being, but also the productive capacity of the State and nation.

Sec. 195-B. Definitions. Wherever used or referred to in sections 195-A to 195-M:

I. “Director” means the Director of the Division of Vocational Rehabilitation;

II. “Division” means the Division of Vocational Rehabilitation;

III. “Handicapped individual” means any individual who is under a physical or mental disability which constitutes a substantial handicap to employment, but which is of such a nature that vocational rehabilitation services may

reasonably be expected to render him fit to engage in a remunerative occupation;

IV. "Individual who is under a physical or mental disability" means an individual who has a physical or mental condition, exclusive of blindness, which materially limits, contributes to limiting, or, if not corrected, will probably result in limiting his activities or functions;

V. "State board" means the State Board of Education;

VI. "Vocational rehabilitation services" means any goods and services necessary to render a handicapped individual fit to engage in a remunerative occupation, including:

A. Diagnosis and related services, including transportation, required for the determination of eligibility for service and of the nature and scope of the services to be provided;

B. Guidance;

C. Placement;

D. Acquisition of vending stands or other equipment, and initial stocks and supplies for small business enterprises conducted by severely handicapped individuals under the supervision of the division of vocational rehabilitation;

E. Training;

F. Physical restoration services;

G. Books and training materials;

H. Maintenance;

I. Tools, equipment, initial stocks and supplies, including equipment and initial stocks and supplies for vending stands;

J. Transportation not included under paragraph A;

K. Occupational licenses; and

L. Other goods and services necessary to render a handicapped individual fit to engage in a remunerative occupation.

VII. "Workshop" means a place where any manufacture or handiwork carried on, and which is operated for the primary purpose of providing remunerative employment to severely handicapped individuals 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. 195-C. Division of Vocational Rehabilitation. There shall be a Division of Vocational Rehabilitation which shall be administered by a director under the general supervision of the State Board of Education acting through its executive officer.

**Sec. 195-D. Provision of vocational rehabilitation services.** Vocational rehabilitation services shall be provided directly or through public or private instrumentalities, to any handicapped individual who is a resident of the State at the time of filing his application therefor and whose vocational rehabilitation, the director determines after full investigation, can be satisfactorily achieved, or who is eligible therefor under the terms of an agreement with another state or with the Federal Government. Vocational rehabilitation services enumerated in section 195-B, subsection VI, paragraphs E to L, shall be provided at public cost only to those handicapped individuals who are found by the director to require financial assistance with respect thereto.

In case vocational rehabilitation services cannot be provided to all eligible handicapped individuals who apply for such services, the director shall provide regulations, with approval of the state board, for determining the order to be followed in selecting those to whom such services will be provided.

**Sec. 195-E. Powers and duties of the Division of Vocational Rehabilitation.** In carrying out sections 195-A to 195-M, the director, with the approval of the state board:

- I. Shall prescribe regulations governing the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation and determination thereof, for vocational rehabilitation services, procedures for fair hearings, the establishment and operation or rehabilitation facilities and workshops and such other regulations as he finds necessary to carry out the purposes of sections 195-A to 195-M;
- II. Shall establish appropriate administrative units within the division;
- III. Shall select, with the approval of the state board and in accordance with the Personnel Law, such personnel as he deems necessary for the efficient performance of the functions of the division;
- IV. Shall prepare and submit to the state board annual reports of activities and expenditures and, prior to each regular session of the Legislature, estimates of sums required for carrying out sections 195-A to 195-M and estimates of the amounts to be made available for this purpose from all sources;
- V. Shall cooperate with other departments, agencies and institutions, both public and private, in providing for the vocational rehabilitation of handicapped individuals, in studying the problems involved therein, and in establishing, developing and providing, in conformity with the purposes of sections 195-A to 195-M, such programs, facilities and services as may be necessary or desirable;
- VI. May delegate to any officer or employee of the division such of his powers and duties, not inconsistent with the law, as he finds necessary to carry out the purposes of sections 195-A to 195-M;
- VII. May enter into reciprocal agreements with other states to provide for the vocational rehabilitation of handicapped individuals who are residents of the states concerned;

VIII. May establish and operate rehabilitation facilities and workshops and make grants to public and other non-profit organizations for such purposes;

IX. May supervise the operation of vending stands and other small businesses established pursuant to sections 195-A to 195-M to be conducted by severely handicapped individuals;

X. May make studies, investigations, demonstrations and reports, and provide training and instruction, including the establishment and maintenance of research fellowships and traineeships with such stipends and allowances as may be deemed necessary, in matters relating to vocational rehabilitation;

XI. Shall take such other action as he deems necessary or appropriate to carry out the purposes of sections 195-A to 195-M.

Sec. 195-F. Cooperation with Federal Government. The state board, through the division, shall cooperate with the Federal Government in carrying out the purposes of any federal statutes pertaining to vocational rehabilitation as such statutes pertain to individuals other than the blind, and is authorized to adopt such methods of administration as are found by the Federal Government to be necessary for the proper and efficient operation of agreements or plans for such vocational rehabilitation and to comply with such other conditions as may be necessary to secure the full benefits of such federal statutes to this State and its residents. Upon designation by the Governor, the state board, acting through the division, may perform functions and services for the Federal Government in addition to those provided for in this section.

Sec. 195-G. Receipt and disbursement of funds. The Treasurer of State is designated as the custodian of all funds received from the Federal Government for the purpose of carrying out any federal statutes pertaining to vocational rehabilitation of handicapped individuals or any agreements authorized by sections 195-A to 195-M. The Treasurer of State shall make disbursements from such funds and from all state funds available for the vocational rehabilitation purposes set forth in sections 195-A to 195-M upon certification by the director.

Sec. 195-H. Gifts. The director is authorized and empowered, with the approval of the state board, to accept and use gifts made unconditionally by will or otherwise for carrying out the purposes of sections 195-A to 195-M. Gifts made under such conditions as in the judgment of the state board are proper and consistent with sections 195-A to 195-M may be so accepted and shall be held, invested, reinvested and used in accordance with the conditions of the gift. All moneys received as gifts or donations shall be deposited in the State Treasury and shall constitute a permanent fund to be called the Special Fund for the Vocational Rehabilitation of Disabled Persons, to be used by said board to defray the expenses of vocational rehabilitation in special cases, including the payment of necessary expenses of persons undergoing training.

Sec. 195-I. Maintenance not assignable. The right of a handicapped individual to maintenance under sections 195-A to 195-M shall not be transferable or assignable at law or in equity.

Sec. 195-J. Hearings and judicial review. Any individual applying for or receiving vocational rehabilitation under sections 195-A to 195-M who is aggrieved by any action or inaction of the division shall be entitled, in accordance with regulations, to a fair hearing by the state board, whose decision shall be final.

Sec. 195-K. Misuse of vocational rehabilitation lists and records. It shall be unlawful, except for purposes directly connected with the administration of the vocational rehabilitation program, and in accordance with regulations, for any person or persons to solicit, disclose, receive or make use of, or authorize, knowingly permit, participate in or acquiesce in the use of any list of, or names of, or any information concerning, persons applying for or receiving vocational rehabilitation, directly or indirectly derived from the records, papers, files or communications of the State or subdivisions or agencies thereof, or acquired in the course of the performance of official duties. Any person who violates any provision of this section shall be punished by a fine of not less than \$50 nor more than \$300, or by imprisonment for not more than 60 days, or by both.

Sec. 195-L. Saving clause. The Legislature reserves the right to amend or repeal all or any part of sections 195-A to 195-M at any time, and there shall be no vested private right of any kind against such amendment or repeal. All the rights, privileges or immunities conferred by sections 195-A to 195-M or by acts done pursuant thereto shall exist subject to the power of the Legislature to amend or repeal sections 195-A to 195-M at any time.

Sec. 195-M. Short title. Sections 195-A to 195-M may be cited as the "Vocational Rehabilitation Act of 1959."