

MAINE STATE LEGISLATURE

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ACTS, RESOLVES AND CONSTITUTIONAL RESOLUTIONS

AS PASSED BY THE

One Hundred and Sixth Legislature

OF THE

STATE OF MAINE

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OF THE
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2. —Superior Court. Any person who was a party to such a hearing, and who is aggrieved by such order, refusal or failure may appeal from such order. The appeal shall be in accordance with Rule 80 B of the Maine Rules of Civil Procedure and shall be taken to the Superior Court of Kennebec County. If the appeal is from the commissioner's order on hearing, the petitioner shall also deliver to the commissioner a sufficient number of copies of the complaint and the commissioner shall mail or otherwise furnish a copy thereof to the other parties to the hearing to the same extent as a copy of the commissioner's order is required to be furnished to the hearing parties under section 9.

3. —record. Upon receiving the complaint on appeal, the commissioner shall forthwith prepare an official record certified by him which shall contain a copy of all proceedings and orders of the commissioner appealed from and the transcript of testimony and evidence. Within 30 days after the complaint was served upon him, the commissioner shall file such official record with the court.

4. —jurisdiction. Upon filing of the complaint on appeal, the court shall have full jurisdiction of the proceeding. Such filing shall not stay the enforcement of the commissioner's order or action appealed from unless stayed by order of the court.

5. —preliminary order. The court shall have power, by preliminary order, to settle questions concerning the completeness and accuracy of the commissioner's official record.

6. —remand. The court may remand the case to the commissioner for further proceedings in accordance with the court's direction.

Effective October 3, 1973

CHAPTER 307

AN ACT Establishing by Statute the Division of Eye Care for Services to the Blind.

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

Sec. 1. R. S., T. 22, §§ 3500 and 3500-A, additional. Title 22 of the Revised Statutes is amended by adding 2 new sections, 3500 and 3500-A, to read as follows:

§ 3500. Division of Eye Care

The Division of Eye Care, as heretofore established within the Department of Health and Welfare and hereafter in this chapter called the "division," shall be under the jurisdiction of the Director of the Division of Eye Care, hereafter in this chapter called the "director." The commissioner shall appoint the director, subject to the Personnel Law.

§ 3500-A. Jurisdiction of Director of Division of Eye Care, defined

Jurisdiction of director means having direct administrative responsibility for all programs and personnel under Division of Eye Care, sections 3500 to 3512.

Sec. 2. R. S., T. 22, § 3501, amended. Section 3501 of Title 22 of the Revised Statutes is amended to read as follows:

§ 3501. Program established

The ~~department~~ division shall provide ~~or cooperate with other public agencies in providing~~ a program of services for the blind, including the prevention of blindness, the locating of blind persons, medical service for eye conditions, vocational guidance and training of the blind, the placement of blind persons in employment, assistance to the blind in marketing the products of home industries, the instruction of the adult blind in their homes, and other social services to the blind.

Sec. 3. R. S., T. 22, § 3502, amended. Section 3502 of Title 22 of the Revised Statutes, as amended, is further amended to read as follows:

§ 3502. Education of blind children

Upon the request, and with the approval, of the parents or guardians, the ~~department~~ ~~may~~ division may send such blind children as it may deem fit subjects for education for any length of time in the discretion of the ~~department~~ ~~division~~ but not beyond the time when said child has reached its 21st birthday, to any school considered by the ~~department~~ ~~division~~ to be qualified to provide suitable education for the blind child. In the exercise of the discretionary power conferred by this section, no distinction shall be made on account of the wealth or poverty of the parents or guardians of such children. The sums necessary for the support and instruction of such pupils in such school, including all traveling expenses of such pupils may be paid by the State. Nothing herein contained shall be held to prevent the ~~Department of Health and Welfare~~ ~~division~~ from securing whole or partial payment of such sums from the parents or guardians of such pupils or from local school systems.

Sec. 4. R. S., T. 22, § 3503, amended. Section 3503 of Title 22 of the Revised Statutes, as enacted by chapter 232 of the public laws of 1967, is amended to read as follows:

§ 3503. Mandatory report of blindness

Whenever, upon examination at a clinic, hospital or other institution, or elsewhere, by a physician or optometrist the visual acuity of any person is found to be with correction 20/200 or less in the better eye or the peripheral field of his vision to have contracted to the 20 degree radius or less regardless of visual acuity, the physician, optometrist, institutional superintendent or other person conducting the examination shall within 30 days report to the ~~Commissioner of Health and Welfare~~ ~~director~~ the result of the examination and that blindness of the person examined has been established. Such report shall not be made if the person examined so requests. The ~~department~~ ~~division~~ shall inform and advise such persons as to services for the blind provided by the ~~department~~ ~~division~~.