

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND ELEVENTH LEGISLATURE

**FIRST REGULAR SESSION**  
December 1, 1982 to June 24, 1983  
Chapters 453-End

AND AT THE  
**FIRST SPECIAL SESSION**  
September 6, 1983 to September 7, 1983  
Chapters 583-588

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH  
IN ACCORDANCE WITH MAINE REVISED STATUTES  
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1983

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION

CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

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§3383. Notice; effective date of certificate; prohibition

Upon issuance of a certificate of public convenience and necessity under section 13-A or 13-B for any nuclear power plant within this State, the commission shall notify the Secretary of State. No such certificate may be effective until 30 days after submission to the voters, as prescribed in section 3382. Construction shall not commence on any such plant without approval by the voters, as prescribed in section 3382.

Effective September 23, 1983.

## CHAPTER 541

S.P. 391 - L.D. 1191

AN ACT to Enact a Program of Assistance to the Severely Physically Disabled to Enable them to Work.

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

Whereas, this program was enacted by the 109th Legislature to provide assistance to the severely physically disabled, helping them to resume work or continue to work; and

Whereas, this program was repealed under the provisions of Title 1, section 2502, which had called for a study of the program by the joint standing committee of the Legislature having jurisdiction over health and institutional services; and

Whereas, this study was not able to be undertaken because, due to delays in funding, the program was not implemented until a year later than the anticipated starting time; and

Whereas, the failure to submit legislation earlier has resulted in the loss of authority for the Department of Human Services to administer this program; and

Whereas, this program is vitally important to severely disabled individuals in the State; 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. 22 MRSA c. 717-A is enacted to read:

CHAPTER 717-A

ASSISTANCE TO THE SEVERELY PHYSICALLY  
DISABLED TO ENABLE THEM TO WORK

§3091-A. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings.

1. Bureau. "Bureau" means the Bureau of Rehabilitation in the Department of Human Services.

2. Employed. "Employed" means engaged in activity of 20 or more hours per week for which the individual receives remuneration.

3. Personal care assistance services. "Personal care assistance services" means services rendered at least 5 days a week at the times of day required by an individual with a severe physical disability for him to become physically independent in connection with his capability for or actual employment. These services include, but are not limited to:

A. Routine bodily functions, such as bowel or bladder care;

B. Dressing;

C. Preparation and consumption of food;

D. Moving in and out of bed;

E. Routine bathing;

F. Ambulation; and

G. Any other similar function of daily living.

4. Severe physical disability. "Severe physical disability" means a functional loss of 3 extremities, when it is anticipated that the loss will be permanent.

§3092-A. Subsidy

The Bureau of Rehabilitation shall subsidize personal care assistance services in accordance with this chapter for individuals eligible under section 3093-A. The amount of the subsidy for each hour of personal care assistance services shall be determined by the director of the bureau as provided in section 3094-A.

§3093-A. Eligibility

An individual is eligible for a subsidy under section 3092-A if he:

1. Severe physical disability. Has a severe physical disability;

2. Employed. Is employed or ready for employment;

3. Need for services. Has a need documented under section 3094-A for no less than 14 nor more than 35 hours a week of personal care assistance services, which services are necessary to enable the individual to be employed. The limitation of 35 hours may be exceeded as provided in section 3094-A;

4. Not otherwise eligible. Is not otherwise eligible for personal care assistance services under other state or federal programs;

5. Agrees to reevaluation. Agrees to a periodic reevaluation of his need for personal care assistance services and of the extent of that need; and

6. Qualifying income. Has an income which qualifies him under section 3094-A for a personal care assistance subsidy.

§3094-A. Evaluation team report

1. Team designation. The director of the bureau shall designate one or more evaluation teams, which shall consist of at least 2 persons, one of whom shall be a registered nurse, licensed under Title 32, chapter 31, subchapter III, and one of whom shall be a registered occupational therapist.

2. Duties. An individual who applies to the bureau for a personal care assistance services subsidy shall be evaluated by an evaluation team, which shall determine the need of that individual for personal care assistance services and the extent of that need. If the team determines that the individual needs more than 35 hours a week of personal care assistance services, that recommendation shall be

part of the report to the director.

3. Redetermination. An individual receiving a personal care assistance services subsidy under section 3092-A shall be periodically reevaluated by an evaluation team to determine his continuing need for personal care assistance services and the extent of that need.

§3095-A. Rules

The director of the bureau may, acting under Title 5, chapter 375, promulgate all rules necessary to carry out his duties under this chapter.

Sec. 2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	<u>1983-84</u>	<u>1984-85</u>
<u>HUMAN SERVICES, DEPARTMENT OF</u>		
Bureau of Rehabilitation		
All Other	\$95,000	\$98,000

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

Effective June 30, 1983.

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## CHAPTER 542

S.P. 501 - L.D. 1513

AN ACT to Provide for the  
Return and Proper Disposal  
of Pesticide Containers.

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

Sec. 1. 22 MRSA §1471-A, as enacted by PL 1975, c. 397, §2, is amended to read:

§1471-A. Purpose and policy

For the purpose of assuring to the public the benefits to be derived from the safe, scientific and proper use of chemical pesticides while safeguarding the public health, safety and welfare, and for the