

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 20, 2007

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2007

elderly individuals, including different methods of program administration and delivery so as to maximize program availability statewide and minimize overhead costs;

7. The projected cost of developing and delivering a pilot program to provide hearing aids to elderly individuals;

8. The projected cost of taking no action to develop any program to provide hearing aids to elderly individuals; and

9. The feasibility of funding from the state universal service fund a hearing assistance program, to include grants to eligible low-income persons for the purchase of hearing aids and subsidies for captioned telephone service; and be it further

Sec. 5. Staff assistance. Resolved: That the Department of Labor and the Department of Health and Human Services shall provide, within existing budgeted resources, necessary staffing services to the working group; and be it further

Sec. 6. Report. Resolved: That, no later than December 7, 2007, the working group shall submit a report to the Joint Standing Committee on Labor and the Joint Standing Committee on Health and Human Services that includes its findings and recommendations, including suggested legislation for the Second Regular Session of the 123rd Legislature. The working group is not authorized to introduce legislation. The Joint Standing Committee on Labor and the Joint Standing Committee on Health and Human Services are authorized to submit legislation pertaining to the report.

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

Effective June 20, 2007.

CHAPTER 101

S.P. 515 - L.D. 1467

Resolve, To Create Improved Employment Opportunities for People with Disabilities

PART A

Sec. A-1. Interdepartmental committee. Resolved: That the Department of Health and Human Services and the Department of Labor shall establish an interdepartmental committee, referred to in this Part as "the committee," to develop a statewide transition plan to facilitate the implementation of a waiver allowing the expansion of supported employment as an alternative for people with developmental

disabilities who are currently receiving freestanding day habilitation through MaineCare.

1. The plan developed by the committee must include:

A. An information campaign about employment and the changing practices and expectations for employment;

B. Instruction on how to pursue and maintain gainful employment in integrated settings in the community and how to seek employment supports, including but not limited to benefits counseling;

C. Training for provider agencies on ways to build capacity to support individuals with developmental disabilities in competitive and gainful employment, including self-employment; and

D. Training for the Department of Health and Human Services staff and the Department of Labor staff to implement the transition.

2. The committee shall submit its plan to the Joint Standing Committee on Labor no later than January 15, 2008; and be it further

Sec. A-2. Stakeholder committee. Resolved: That the Department of Health and Human Services and the Department of Labor shall establish a stakeholder group, referred to in this Part as "the group," to design and implement a system of community services using existing resources that supports the attainment by persons with developmental disabilities of gainful employment in integrated settings in the community.

1. The group must include representatives of employers, service providers, consumers, consumer advocates, educators, community advocacy organizations and the University of Maine's Center for Community Inclusion and Disability Studies and representatives of the Department of Health and Human Services, the Department of Labor and the Department of Education.

2. The system designed by the group must include:

A. A funding formula that provides incentives to providers to facilitate the attainment of employment by persons with developmental disabilities;

B. A plan that invests in professional development and capacity building for provider agencies, including state agencies and case managers; and

C. A tracking system that facilitates an annual report by the Department of Labor and the Department of Health and Human Services to the joint standing committee of the Legislature having jurisdiction over labor matters regarding the number of individuals employed, the wages of individuals

employed and the contributions in taxes resulting from such employment.

3. The group shall propose guidelines for the best practices in supported employment, to be incorporated into contracts with provider agencies by July 1, 2008.

4. The group shall submit its report to the Joint Standing Committee on Labor no later than January 15, 2008.

PART B

Sec. B-1. Public and Private Sector Task Force; creation. Resolved: That, in order to facilitate the development and implementation of a media outreach campaign that increases awareness and promotes the employment of Maine residents with disabilities, the Maine Jobs Council shall convene the Public and Private Sector Task Force, referred to in this Part as "the task force," to oversee the development of a professional strategic marketing plan by marketing professionals and to identify resources for employer outreach. In establishing the task force, the Maine Jobs Council shall invite the participation of government agencies, public and private sector employers and people with disabilities and their advocates. The Maine Jobs Council shall submit a report summarizing the work of the task force to the Joint Standing Committee on Labor no later than January 15, 2008; and be it further

Sec. B-2. Funding. Resolved: That the Department of Labor shall seek outside funds from the Federal Government, nonprofit foundations or other appropriate public or private sources to fund the costs of developing a strategic marketing plan and identifying resources for employer outreach. Contributions to support these efforts may not be accepted from any party having a pecuniary or other vested interest in the outcome of the plan or compilation. To the extent that outside contributions are inadequate to pay for all costs, the Department of Labor shall make every effort to complete the plan and resource identification within existing budgeted resources; and be it further

Sec. B-3. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LABOR, DEPARTMENT OF

Maine Jobs Council N012

Initiative: Provides a base allocation for the Maine Jobs Council in the event that outside funding is received for the costs of developing a strategic marketing plan and identifying resources for employer outreach.

| OTHER SPECIAL REVENUE FUNDS | 2007-08 | 2008-09 |
|--------------------------------|---------|---------|
| All Other | \$500 | \$0 |

| | | |
|---------------------|-------|-----|
| OTHER SPECIAL | \$500 | \$0 |
| REVENUE FUNDS TOTAL | | |

See title page for effective date.

CHAPTER 102

H.P. 1011 - L.D. 1442

Resolve, To Increase Physical Education for Elementary School Students

Sec. 1. Convening of a team to develop and implement a plan for improving physical education in elementary schools. Resolved: That the Commissioner of Education, the Commissioner of Health and Human Services and the cochair of the Governor's Council on Physical Fitness, Sports, Health and Wellness shall invite interested parties to serve on a planning and oversight team to be known as "PE4ME." PE4ME must include individuals and representatives of agencies and associations with expertise in health, health promotion, elementary education and teacher certification in physical education.

1. First meeting; subcommittees and staff support. The commissioners and cochair of the council shall convene the first meeting of PE4ME no later than 30 days after the effective date of this resolve. PE4ME may create subcommittees and seek assistance from outside the team membership in addressing its charge and meeting its responsibilities. The commissioners shall provide staff and technical assistance to PE4ME within existing resources.

2. Duties. PE4ME shall examine national guidelines for physical education for students in kindergarten to grade 8. PE4ME shall develop recommendations for each grade level including the minimum number of minutes of physical education per day or week and appropriate physical activities. PE4ME shall develop a timeline for implementing its recommendations and explore federal and private funding available to supplement state resources. The implementation timeline must include clear benchmarks for phasing in the recommendations, with a goal of complete implementation by the beginning of the 2010-2011 school year.

3. Considerations. PE4ME shall examine the capacity within the State to train and certify physical education teachers. PE4ME shall review the system of learning results established pursuant to the Maine Revised Statutes, Title 20-A, section 6209 regarding physical education and propose changes if needed to improve physical education. PE4ME shall develop an approach to including physical education funding as part of the essential programs and services funding