

MAINE STATE LEGISLATURE

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OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

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2013

treasurer jointly and severally liable for any penalties related to reports filed by the deputy treasurer.

See title page for effective date.

CHAPTER 335

S.P. 471 - L.D. 1352

An Act To Provide Integrated Community-based Employment and Customized Employment for Persons with Disabilities

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

PART A

Sec. A-1. 26 MRSA c. 39 is enacted to read:

CHAPTER 39

EMPLOYMENT FIRST MAINE ACT

§3301. Short title

This chapter may be known and cited as "the Employment First Maine Act."

§3302. Definitions

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

1. Customized employment. "Customized employment" means employment acquired as a result of implementation of a flexible blend of strategies, services and supports designed to increase employment options for job seekers with complex needs through voluntary negotiation of the employment relationship with the employer.

2. Disability. "Disability" means a physical or mental disability as defined in Title 5, section 4553-A.

3. First and preferred service or support option. "First and preferred service or support option" means the first employment service option that is offered by a state agency, prior to the offer of other supports or services, including day services.

4. Integrated community-based employment. "Integrated community-based employment" means employment in the competitive labor market that is performed on a full-time or part-time basis in the general community or through self-employment and for which a person with a disability is compensated at or above the minimum wage but not less than the prevailing wage and level of benefits paid by the employer for the same or similar work performed by persons without disabilities.

5. State agency. "State agency" means the Department of Education, the Department of Health and Human Services or the Department of Labor.

§3303. State agencies; requirements

1. Employment as core component of services and supports. In carrying out its duties to provide services and supports to persons with disabilities, a state agency shall include as a core component of its services and supports the opportunity for persons with disabilities to acquire integrated community-based employment or customized employment.

A. When entering into contracts with providers of services to persons with disabilities, a state agency shall include appropriate provisions regarding facilitating integrated community-based employment or customized employment and ensuring measurable outcomes.

B. A state agency shall incorporate standards for integrated community-based employment and customized employment into its processes for program monitoring and quality assurance.

2. First and preferred service or support option. When providing services or supports to a person with a disability, a state agency shall offer to the person, as the first and preferred service or support option, a choice of employment services that will support the acquisition by the person of integrated community-based employment or customized employment.

3. Coordination of efforts and information. A state agency shall:

A. Coordinate its efforts with other state agencies to ensure that the programs directed, the funding managed and the policies adopted by each state agency support the acquisition by persons with disabilities of integrated community-based employment or customized employment; and

B. When permissible under the law, share information regarding the use of services and other data with other state agencies in order to monitor progress toward facilitating the acquisition by persons with disabilities of integrated community-based employment or customized employment.

4. Pursuit of employment; option. Nothing in this chapter may be construed to require a person with a disability who receives services from a state agency to accept employment services from that state agency or to experience a loss of services as a result of choosing not to explore employment options.

5. Rulemaking. A state agency shall adopt rules to implement this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

PART B

Sec. B-1. Employment First Maine Coalition. The Employment First Maine Coalition, referred to in this section as "the coalition," is established within the protection and advocacy agency for persons with disabilities designated by the Governor pursuant to the Maine Revised Statutes, Title 5, section 19502. The coalition shall strive to ensure that at least 1/2 of the coalition members are persons with disabilities.

1. Membership. The following may participate as members of the coalition:

- A. The Commissioner of Labor or the commissioner's designee;
- B. The Commissioner of Education or the commissioner's designee;
- C. The Commissioner of Health and Human Services or the commissioner's designee;
- D. The executive director of the Maine Developmental Disabilities Council or the executive director's designee;
- E. The chair of the Maine Association of People Supporting EmploymentFirst or the chair's designee;
- F. The chair of the Consumer Council System of Maine or the chair's designee;
- G. The chair of Speaking Up For Us or the chair's designee;
- H. The executive director of the Disability Rights Center or the executive director's designee;
- I. The director of the Center for Community Inclusion and Disability Studies at the University of Maine or the director's designee;
- J. The executive director of Alpha One or the executive director's designee;
- K. The executive director of the Iris Network or the executive director's designee;
- L. The director of the Maine Business Leadership Network or the director's designee;
- M. The executive director of the Manufacturers Association of Maine or the executive director's designee;
- N. The chair of the Commission on Disability and Employment or the chair's designee;
- O. The executive director of the National Alliance on Mental Illness - Maine or the executive director's designee;
- P. The chair of the Division of Vocational Rehabilitation, State Rehabilitation Council, within the

Department of Labor, Bureau of Rehabilitation Services or the chair's designee;

Q. The chair of the Division for the Blind and Visually Impaired, State Rehabilitation Council within the Department of Labor, Bureau of Rehabilitation Services or the chair's designee;

R. The chair of the Commission for the Deaf, Hard of Hearing and Late Deafened within the Department of Labor, Bureau of Rehabilitation Services or the chair's designee;

S. The chair of the Maine Statewide Independent Living Council or the chair's designee;

T. The executive director of the Maine Association for Community Service Providers or the executive director's designee; and

U. At least one executive director or designee from a vocational clubhouse program in the State.

The coalition shall invite as members a certified rehabilitation provider that provides integrated community-based employment or customized employment services and at least 2 persons who are parents of persons with disabilities. The coalition may invite additional members to join the coalition.

2. Meetings. The coalition shall hold regularly scheduled business meetings at least once in each quarter and at such times as the chair determines necessary or at the request of a majority of the members.

3. Chair. The coalition shall annually elect from among its members a chair and a vice-chair to serve a term of one year.

4. Governance. The members of the coalition may act only by majority vote of the members present at duly called and properly noticed meetings when a quorum is present.

A. A quorum is a majority of the coalition members.

B. Either the chair or the vice-chair of the coalition shall maintain a list of the current members of the coalition and provide notice of all meetings to all members at least 30 days but no more than 90 days before any meeting of the members by the preferred method of contact provided by each member. All meetings of the coalition must be open to the public and public comment must be invited before action on any item of business is taken. Either the chair or the vice-chair shall require that minutes of all meetings be promptly compiled and permanently maintained as a public record of the acts of the coalition. A draft of the minutes of each meeting of the coalition must be circulated to the members with the notice of the succeeding meeting.

C. The coalition may adopt bylaws to govern its affairs.

5. Compensation. The members of the coalition serve without compensation.

6. Duties; powers. The coalition shall:

A. Promote coordination and collaboration among state agencies that provide services and supports for persons with disabilities to advance integrated community-based employment and customized employment services for persons with disabilities;

B. Review, on a continuing basis, state policies, plans, programs and activities concerning the integrated community-based employment and customized employment of persons with disabilities that are conducted or assisted, in whole or in part, by state agencies or state funds in order to determine whether such policies, programs, plans and activities effectively meet the employment needs of persons with disabilities;

C. Serve as a conduit for information and input to aid in the implementation of the Maine Revised Statutes, Title 26, chapter 39 for advocacy groups, commissions and councils that focus on issues facing persons with disabilities in the State;

D. Make recommendations to the Governor, the Legislature and state agencies regarding ways to improve the administration of employment services and employment outcomes for persons with disabilities;

E. Review and comment on proposed legislation affecting the employment of persons with disabilities; and

F. Propose and promote rules and policies to state agencies that provide services and supports to persons with disabilities to improve integrated community-based employment and customized employment of persons with disabilities.

The coalition may submit annually, by the first Wednesday in December, proposed legislation to the Legislature to improve integrated community-based employment and customized employment of persons with disabilities. Legislation submitted pursuant to this subsection may include recommendations regarding extending the coalition's authorization beyond the date specified in subsection 7.

For purposes of this subsection, "customized employment" has the same meaning as in the Maine Revised Statutes, Title 26, section 3302, subsection 1; "integrated community-based employment" has the same meaning as in Title 26, section 3302, subsection 4; and "state agency" has the same meaning as in Title 26, section 3302, subsection 5.

7. Repeal. This Part is repealed October 1, 2016.

See title page for effective date.

CHAPTER 336

S.P. 260 - L.D. 711

An Act To Facilitate Patient Education

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

Sec. 1. 22 MRSA §2142, sub-§4 is enacted to read:

4. Registered nurse educator. "Registered nurse educator" means a registered nurse licensed under Title 32, chapter 31 who provides postprescription training to a patient or caregiver in a patient's place of residence when the registered nurse educator does not provide health care services, does not deliver the prescription drug, does not touch the patient, does not administer the prescription drug to the patient and does not seek payment from the patient, caregiver or any health care payor.

Sec. 2. 22 MRSA §2147, sub-§13, as enacted by PL 1989, c. 119, §4, is repealed.

Sec. 3. 22 MRSA §2147, sub-§14 is enacted to read:

14. Registered nurse educators. Registered nurse educators.

See title page for effective date.

CHAPTER 337

H.P. 349 - L.D. 530

An Act To Ensure That the Standard of a Student's Best Interest Is Applied to Superintendent Agreements for Transfer Students

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

Sec. 1. 20-A MRSA §5205, sub-§6, ¶¶A and B, as enacted by PL 1981, c. 693, §§5 and 8, are amended to read:

A. Two superintendents may approve the transfer of a student from one school administrative unit to another if:

- (1) They find that a transfer is in the student's best interest; and
- (2) The student's parent approves.