

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 2016 to August 2, 2017**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**NOVEMBER 1, 2017**

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

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**Augusta, Maine**  
**2017**

~~annually shall develop and make available to the public on a yearly basis publish a list of statewide and regional high-priority occupations critical to the success of the targeted industry clusters, which are those occupations that have been:~~

A. Identified by the Center for Workforce Research and Information as providing opportunity for employment in jobs with high compensation;

B. Recommended by the State Workforce Board; and

C. Approved by the Governor or the Governor's designee.

**Sec. 31. 26 MRSA §3304, sub-§1, ¶G,** as enacted by PL 2013, c. 368, Pt. FFFFF, §1, is amended to read:

G. Inform and collaborate with the career and technical education centers, the boards of the local workforce investment areas designated pursuant to the federal Workforce ~~Investment~~ Innovation and Opportunity Act of 1998, Public Law ~~405-220~~ 113-128, youth councils, business-education partnerships, secondary and postsecondary educational institutions, parents and career counselors for the purpose of addressing the challenges of connecting disadvantaged adults and youth to careers;

**Sec. 32. 26 MRSA §3304, sub-§2, ¶B,** as enacted by PL 2013, c. 368, Pt. FFFFF, §1, is amended to read:

B. Create an industry partnership to advise the collaborative, the State Workforce ~~Investment~~ Board established in section 2006 and the boards of the local workforce investment areas designated pursuant to the federal Workforce ~~Investment~~ Innovation and Opportunity Act of 1998, Public Law ~~405-220~~ 113-128 on aligning state policies and leveraging resources across systems, including workforce development, education and economic development;

**Sec. 33. 26 MRSA §3305, sub-§2, ¶D,** as amended by PL 2015, c. 156, §1, is further amended to read:

D. A procedure for establishing eligibility requirements. At a minimum, this procedure must include the following:

- (1) Involvement of the local workforce ~~investment~~ board;
- (2) Participation of at least 4 employers, with at least 2 employers representing businesses with fewer than 50 employees;
- (3) Participation of employees and, where applicable, labor representatives;

(4) Private sector matching funding of at least 25%, except that businesses with fewer than 25 employees may be exempted from this matching funding requirement at the discretion of the collaborative; and

(5) Commitment to participate in the performance improvement and evaluation system established pursuant to section 3307.

**Sec. 34. 35-A MRSA §10104, sub-§9,** as amended by PL 2011, c. 627, §5, is further amended to read:

**9. Coordination with other entities.** Consistent with the requirements of this chapter and other applicable laws, the board shall coordinate with the activities and programs of state agencies and authorities that relate to the purposes of this chapter in order to align such activities and programs with the plans and programs of the trust. For purposes of this subsection, activities and programs of state agencies and authorities that relate to the purposes of this chapter include but are not limited to energy efficiency programs relating to state facilities administered by the Department of Administrative and Financial Services, Bureau of General Services, the adoption, amendment and maintenance of the Maine Uniform Building and Energy Code by the Technical Building Codes and Standards Board, established in Title 5, section 12004-G, subsection 5-A within the Department of Public Safety, energy efficiency or green energy workforce development activities of the Department of Labor or the State Workforce ~~Investment~~ Board and energy efficiency and weatherization programs ~~administered~~ administered by the Maine State Housing Authority.

**Sec. 35. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 26, chapter 35, in the chapter headnote, the words "federal workforce investment act of 1998" are amended to read "federal workforce innovation and opportunity act" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

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## CHAPTER 111

### S.P. 470 - L.D. 1362

#### An Act To Update the Operations of the Bureau of Rehabilitation Services and To Conform to the Federal Workforce Innovation and Opportunity Act of 2014

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

**Sec. 1. 26 MRSA §1411-A, sub-§1**, as enacted by PL 1995, c. 560, Pt. F, §13, is repealed and the following enacted in its place:

**1. Community rehabilitation program.**

"Community rehabilitation program" means a program that provides directly or facilitates the provision of one or more of the following vocational rehabilitation services to individuals with disabilities to enable those individuals to maximize opportunities for employment, including career advancement:

A. Medical, psychiatric, psychological, social and vocational services under one management;

B. Testing, fitting or training in the use of prosthetic or orthotic devices;

C. Recreational therapy;

D. Physical and occupational therapy;

E. Speech, language and hearing therapy;

F. Psychiatric, psychological and social services, including positive behavior management;

J. Job development, placement and retention services;

K. Supported employment services and extended services;

L. Extended employment for people with severe disabilities who cannot readily enter the competitive labor market;

M. Evaluation or control of specific disabilities;

N. Rehabilitation technology services;

O. Assessment for determining program eligibility and vocational rehabilitation needs;

P. Orientation and mobility services for individuals who are blind or visually impaired;

Q. Psychosocial rehabilitation services;

R. Customized employment;

S. Services to family members, if necessary, to enable an applicant or eligible individual to achieve an employment outcome; and

T. Personal assistance services.

**Sec. 2. 26 MRSA §1411-A, sub-§1-A** is enacted to read:

**1-A. Competitive integrated employment.**

"Competitive integrated employment" means work that is compensated at or above the state or local minimum wage; is not compensated at less than the customary rate and level of benefits paid by the employer for the same or similar work performed by other employees without disabilities who have similar training, experience and skills; takes place in such a way that the employee with the disability interacts

with other persons without disabilities to the same extent as employees without disabilities in comparable positions; and presents opportunities for advancement similar to those opportunities available for other employees without disabilities in similar positions.

**Sec. 3. 26 MRSA §1411-A, sub-§2**, as enacted by PL 1995, c. 560, Pt. F, §13, is repealed.

**Sec. 4. 26 MRSA §1411-A, sub-§3, ¶A**, as enacted by PL 1995, c. 560, Pt. F, §13, is amended to read:

A. A preliminary diagnostic study to determine that the individual ~~is disadvantaged or~~ has a disability-related barrier to employment and that services are needed;

**Sec. 5. 26 MRSA §1411-A, sub-§3, ¶D**, as enacted by PL 1995, c. 560, Pt. F, §13, is amended to read:

D. Any other goods or services provided to a ~~disadvantaged~~ individual with a disability that are determined in accordance with federal regulations to be necessary for, and are provided for the purpose of, ascertaining the nature of the barrier to employment and whether it may reasonably be expected that the individual can benefit from vocational rehabilitation services or other services available to ~~disadvantaged~~ individuals with disabilities;

**Sec. 6. 26 MRSA §1411-A, sub-§4**, as amended by PL 2015, c. 141, §5, is repealed.

**Sec. 7. 26 MRSA §1411-A, sub-§5**, as enacted by PL 1995, c. 560, Pt. F, §13, is amended to read:

**5. Person with a disability.** "Person with a disability" means an individual who has a physical or mental disability that constitutes a substantial barrier to employment but ~~is of such a nature that who can benefit in terms of an employment outcome from the provision of~~ vocational rehabilitation services ~~may reasonably be expected to render the individual fit to engage in gainful employment that is consistent with the individual's capacities and abilities.~~ "Person with a disability" also means an individual who has a physical or mental disability that constitutes a substantial barrier to employment and for whom vocational rehabilitation services are necessary to determine rehabilitation potential. An "individual who ~~is under~~ has a physical or mental disability" means an individual who has a physical or mental condition that materially limits, contributes to limiting or, if not corrected, results in limiting that individual's activities or functions.

**Sec. 8. 26 MRSA §1411-A, sub-§6**, as amended by PL 2015, c. 141, §6, is further amended to read:

**6. Rehabilitation services.** "Rehabilitation services," which may be provided directly or through public or private resources, means goods and services necessary to assist a person with a disability to engage in ~~a gainful occupation~~ competitive integrated employment or to determine the individual's rehabilitation potential, including but not limited to vocational rehabilitation services. Vocational rehabilitation services available to people with disabilities include:

A. Evaluation, including diagnostic and related services, incidental to the determination of eligibility for and the nature and scope of services to be provided;

B. Counseling, guidance and placement services for people with disabilities, including follow-up services to assist those individuals to maintain employment;

C. Training services for people with disabilities, which may include personal and vocational adjustment, on-the-job training ~~and~~ books, tools and other training materials;

D. Interpreting and other specific services necessary to meet the unique needs of those persons who are deaf or who have impaired hearing. These services must include the aid of qualified personnel and interpreters who can relate to and communicate on an effective and meaningful basis with persons who are deaf or have impaired hearing;

E. Recruitment and training services for people with disabilities to provide them with suitable employment opportunities;

F. Physical restoration services, including but not limited to:

(1) Corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition that is stable or slowly progressive and constitutes a substantial barrier to employment but is of such a nature that correction or modification may reasonably be expected to eliminate or substantially reduce the barrier within a reasonable length of time;

(2) Necessary hospitalization in connection with surgery or treatment;

(3) Prosthetic and orthotic devices; and

(4) ~~Eye glasses~~ Eye glasses and visual services as prescribed by a physician skilled in the diseases of the eye or by an optometrist;

G. Maintenance as necessary during rehabilitation, as established by the rules of the department;

H. Occupational licenses, tools, equipment and initial stocks and supplies;

I. In the case of a small business operated by people with ~~severe~~ significant disabilities, the operation of which can be improved by management services and supervision provided by the department, the provision of those services and that supervision, alone or together with the acquisition by the department of vending stands or other equipment and initial stocks and supplies;

J. The construction or establishment, in accordance with federal regulations, of public or other nonprofit community rehabilitation programs and the provision of other facilities and services that may contribute substantially to the rehabilitation of a group of individuals but are not related directly to the rehabilitation plan of any one person with a disability;

K. Transportation in connection with the rendering of any other rehabilitation service;

L. Any other goods and services necessary to render a person with a disability employable; ~~and~~

M. Services to the families of people with disabilities when the services will contribute substantially to the rehabilitation of the individuals;

N. Services for students and youth with disabilities to facilitate transition from school to postsecondary life, such as achievement of a competitive integrated employment outcome;

O. Preemployment transition services to students with disabilities in a secondary, postsecondary or other recognized education program, including job exploration counseling; work-based learning experiences; counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs; workplace readiness training; and self-advocacy instruction;

P. Reader services, rehabilitation teaching services, and orientation and mobility services for individuals who are blind or visually impaired; and

Q. Rehabilitation technology services to systematically apply technologies, engineering methodologies or scientific principles to address barriers confronted by individuals with disabilities.

**Sec. 9. 26 MRSA §1411-D**, as amended by PL 2015, c. 141, §§8 and 9, is further amended to read:

**§1411-D. Powers and duties of department**

In carrying out this article, the commissioner:

**1. Cooperates with other departments.** Shall cooperate with other departments, agencies and institutions, both public and private, in providing for the rehabilitation of people with disabilities ~~and the evaluation and vocational services of disadvantaged individuals~~, in studying the problems involved and in

establishing, developing and providing, in conformity with the purposes of this article, programs, facilities and services necessary or desirable;

**2. Reciprocal agreements with other states.** May enter into reciprocal agreements with other states to provide for the rehabilitation of people with disabilities ~~and disadvantaged individuals~~ who are residents of the states concerned;

**3. Community rehabilitation programs.** May establish, construct and operate community rehabilitation programs and make grants to public or other non-profit organizations for those purposes;

**4. Vending stands and other businesses.** May supervise the operation of vending stands and other small businesses established pursuant to this article to be conducted by people with ~~severe~~ significant disabilities;

**5. Research fellowships and traineeships.** May make studies, investigations, demonstrations and reports and provide training and instruction, including the establishment and maintenance of research fellowships and traineeships, with stipends and allowances as determined necessary, in matters relating to rehabilitation;

**6. Joint project.** May share funding and administrative responsibility with another state agency in order to carry out a joint project to provide services to people with disabilities;

**7. Joint undertakings.** May enter into joint undertakings with public and private agencies to further the effectiveness of services for ~~disadvantaged individuals~~ people with disabilities;

**8. Eligibility and priority.** Through the Bureau of Rehabilitation Services, Division of Vocational Rehabilitation and Division for the Blind and Visually Impaired, which are the designated state units under the federal Rehabilitation Act of 1973 and the federal Workforce Innovation and Opportunity Act of 2014, Public Law 113-128, shall determine the eligibility of individuals for rehabilitation services or evaluation and vocational services and the priority for those services in accordance with rules established by the department; and

**9. Transitional services coordination.** Through the Bureau of Rehabilitation Services, Division of Vocational Rehabilitation and Division for the Blind and Visually Impaired, which are the designated state units under the federal Rehabilitation Act of 1973 and the federal Workforce Innovation and Opportunity Act of 2014, Public Law 113-128, shall participate with school administrative units in transition planning for each student receiving special education services who is 16 years of age or older, or 14 years of age if determined appropriate by the student's individualized education program team, and shall assign appropriate staff

as a transition contact person and as a member of the transition planning team for each student.

**Sec. 10. 26 MRSA §1412-B**, as enacted by PL 1995, c. 560, Pt. F, §13, is amended to read:

**§1412-B. Reporting and evaluation of rehabilitation needs**

The department shall ~~make continuing study of evaluate~~ the needs of people with disabilities ~~and disadvantaged individuals~~ in the State and how these needs may be met most effectively. ~~The study and planning must include appraisal~~ As required by the federal Rehabilitation Act of 1973 and the federal Workforce Innovation and Opportunity Act of 2014, Public Law 113-128, the department shall conduct a comprehensive statewide assessment every 3 years to describe the rehabilitation needs of individuals with disabilities residing in the State, including a review of community rehabilitation programs in the State and their effectiveness and adequacy in meeting the overall needs of people with disabilities and disadvantaged. The continuing study and recommendations must be reflected in the biennial reports of the commissioner. The commissioner shall use the results of these reviews to advise the Governor and the Legislature of any need to change the State's rehabilitation programs. The commissioner shall report annually to the joint standing committee of the Legislature having jurisdiction over labor matters the program outcomes as part of the reports authorized under section 2004-A, subsection 3 and required under section 3101.

**Sec. 11. 26 MRSA §1414, sub-§1**, as enacted by PL 1995, c. 560, Pt. F, §13, is amended to read:

**1. Independent living services.** "Independent living services" means services that promote or train people with ~~severe~~ significant disabilities in managing their personal affairs, participating in day-to-day life in the community, fulfilling a range of social roles and making decisions that lead to self-determination and the minimization of physical or psychological dependence on others.

**Sec. 12. 26 MRSA c. 19, sub-c. 2, art. 4**, as amended, is repealed.

See title page for effective date.

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**CHAPTER 112**

**S.P. 472 - L.D. 1385**

**An Act Governing Direct  
Primary Care Service  
Agreements**

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

**Sec. 1. 22 MRSA c. 403-A** is enacted to read: