

Title 26: LABOR AND INDUSTRY
Chapter 19: DEPARTMENT OF LABOR

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Maine Revised Statutes
Title 26: LABOR AND INDUSTRY
Chapter 19: DEPARTMENT OF LABOR

Subchapter 1: DEPARTMENT OF LABOR

§1401. DEPARTMENT; COMMISSIONER

(REPEALED)

SECTION HISTORY

1971, c. 499, §§1,3 (NEW). 1971, c. 620, §12 (RPR). 1973, c. 537, §30 (AMD). 1975, c. 771, §289 (AMD). 1977, c. 674, §25 (AMD). 1977, c. 675, §§29,30 (AMD). 1981, c. 168, §§19,20,26 (AMD). 1983, c. 305, §8 (AMD). 1983, c. 351, §37 (AMD). 1983, c. 469, §2 (AMD). 1983, c. 489, §15 (AMD). 1983, c. 650, §§3,4 (AMD). 1983, c. 816, §A24 (AMD). 1985, c. 785, §B121 (AMD). 1987, c. 542, §§F1,F2,F5 (AMD). 1995, c. 560, §G14 (RP). 1995, c. 618, §§15-17 (AMD). 1997, c. 393, §§A27-29 (AMD).

§1401-A. DEPARTMENT; COMMISSIONER

1. Establishment. There is created and established the Department of Labor, referred to in this chapter as the "department," to achieve the most effective utilization of the employment and training resources in the State by developing and maintaining an accountable state employment and training policy, by ensuring safe working conditions and protection against loss of income and by enhancing the opportunities of individuals to improve their economic status.

[1995, c. 560, Pt. G, §15 (NEW) .]

2. Commissioner; entities incorporated. The department consists of a Commissioner of Labor, referred to in this chapter as the "commissioner," appointed by the Governor and subject to review by the joint standing committee of the Legislature having jurisdiction over labor matters and to confirmation by the Legislature, to serve at the pleasure of the Governor, and the following entities as previously created or established are incorporated into the Department of Labor:

- A. The Bureau of Unemployment Compensation; [1995, c. 560, Pt. G, §15 (NEW).]
- B. The Bureau of Employment Services; [2013, c. 467, §4 (AMD).]
- C. The Bureau of Labor Standards; [1995, c. 560, Pt. G, §15 (NEW).]
- D. The Bureau of Rehabilitation Services; [1995, c. 560, Pt. G, §15 (NEW).]
- E. [2013, c. 467, §4 (RP).]
- F. The Center for Workforce Research and Information; and [2013, c. 467, §4 (AMD).]
- G. [2013, c. 467, §4 (RP).]
- H. [2013, c. 467, §4 (RP).]
- I. The State Workforce Investment Board. [2013, c. 467, §4 (NEW).]

[2013, c. 467, §4 (AMD) .]

The Department of Labor may consist of other advisory, planning and coordinating council staff, and such other advisory, planning and coordinating committees or administrative units as the commissioner determines necessary to carry out the purposes of this chapter. [1995, c. 560, Pt. G, §15 (NEW).]

SECTION HISTORY

1995, c. 560, §15 (NEW). 2007, c. 126, §1 (AMD). 2013, c. 467, §4 (AMD).

§1401-B. COMMISSIONER

The Commissioner of Labor is entitled to receive a fixed weekly salary in accordance with Title 2, section 6, and must be paid from the administrative funds of the Bureau of Employment Services, the Bureau of Unemployment Compensation, the Bureau of Labor Standards, the Bureau of Rehabilitation Services and from other program administrative funds that the commissioner is authorized by statute or Executive Order to administer. The commissioner may establish an Office of the Commissioner, consisting of such personnel as determined necessary to carry out the duties and responsibilities of the commissioner, and paid from administrative funds from programs that the commissioner is authorized to administer. [1995, c. 560, Pt. G, §15 (NEW).]

1. Duties. The commissioner has the following duties.

A. The commissioner shall prepare a budget for the department. [1995, c. 560, Pt. G, §15 (NEW).]

B. The commissioner shall appoint to serve at the commissioner's pleasure:

- (1) Deputy Commissioner;
- (2) Director of Legislative Affairs;
- (3) Director of Operations;
- (4) Director of Communications;
- (5) Director, Bureau of Labor Standards;
- (6) Director, Bureau of Employment Services; and
- (7) Director, Bureau of Rehabilitation Services. [2013, c. 467, §5 (RPR).]

The commissioner may appoint, subject to the Civil Service Law, such other personnel as may be necessary to carry out the functions of the department. The commissioner may transfer personnel within the department to ensure the efficient utilization of department personnel. The commissioner may require reports and take other actions necessary to carry out the functions of the department.

[2013, c. 467, §5 (AMD) .]

2. Purchase. The commissioner shall coordinate the purchase and use of all department equipment.

[1995, c. 560, Pt. G, §15 (NEW) .]

3. Review. The commissioner shall review the functions and operations of the department to ensure that overlapping functions and operations are brought to the attention of the Governor and the Legislature.

[1995, c. 560, Pt. G, §15 (NEW) .]

4. Data collection. The commissioner shall conduct a survey of manufacturing and nonmanufacturing industries throughout the State once every 2 years to determine hourly occupational wage rates by gender.

[1995, c. 560, Pt. G, §15 (NEW) .]

5. Dispute resolution services. The commissioner may provide, by agreement with other agencies, dispute resolution services, including, but not limited to, adjudicatory proceedings, mediation and other alternative dispute resolution techniques.

[1995, c. 560, Pt. G, §15 (NEW) .]

6. Monitor employee leasing industry. The commissioner shall coordinate the efforts of the State to ensure that the employee leasing industry is developing in a manner that provides the greatest benefit to Maine employers while minimizing the financial risk to those employers and to the leased employees. The commissioner shall meet at least annually with representatives of the Bureau of Insurance, the Bureau of Revenue Services, the Department of Economic and Community Development, the Workers' Compensation Board and the Bureau of Labor Standards within the Department of Labor. This group shall develop written material for employers and new businesses that are considering using an employee leasing firm. The material must provide guidance for employers on what questions to ask to minimize their own financial risk and that of their employees. The material must also include instructions on how to obtain public information on employee leasing companies, such as information required for registration purposes. The commissioner shall meet with the state officials listed in this subsection on at least an annual basis to review the status of the employee leasing industry and update the written materials as needed.

[1997, c. 393, Pt. A, §30 (NEW); 1997, c. 526, §14 (AMD) .]

SECTION HISTORY

1995, c. 560, §G15 (NEW). 1997, c. 393, §A30 (AMD). 1997, c. 526, §14 (AMD). 2005, c. 3, §O2 (AMD). 2007, c. 1, Pt. D, §4 (AMD). 2011, c. 655, Pt. D, §10 (AMD). 2011, c. 655, Pt. D, §11 (AFF). 2011, c. 655, Pt. SS, §2 (AMD). 2013, c. 467, §5 (AMD).

§1402. DEBARMENT FROM STATE CONTRACTS

1. Definitions. As used in this section, unless the context indicates otherwise, the following terms have the following meaning.

A. "Repeated violation" means a violation of any legal requirement under the United States Code, Title 29, Chapter 15, where a previous violation of the same requirement was found which involved a substantially similar hazard. [1999, c. 57, Pt. B, §6 (AMD).]

B. "Serious violation" means a violation where there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations or processes which have been adopted or are in use, in that place of employment, unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation. [1983, c. 486, (NEW).]

C. "Willful violation" means a violation committed intentionally or knowingly with an intentional disregard of, or plain indifference to, legal requirements under the United States Code, Title 29, Chapter 15. [1999, c. 57, Pt. B, §6 (AMD).]

[1999, c. 57, Pt. B, §6 (AMD) .]

2. Debarment. The Department of Labor shall, after hearing, debar from participation in state contracts for 2 years any person, partnership, corporation or other public or private entity found to have committed a serious, willful violation or serious, repeated violations of a standard under the United States Occupational Safety and Health Act of 1970, United States Code, Title 29, Chapter 15, and either the time for filing an appeal of the determination of that violation has expired or the appeals process has been exhausted.

[1999, c. 57, Pt. B, §7 (AMD) .]

The department may make an exception to this section if the condition giving rise to the violation has been abated. [1983, c. 486, (NEW).]

SECTION HISTORY

1983, c. 486, (NEW). 1999, c. 57, §§B6,7 (AMD).

§1403. LABOR STANDARDS FOR PERSONS REQUIRED TO WORK AS CONDITION OF RECEIVING PUBLIC ASSISTANCE AND AFFECTED EMPLOYEES

1. Nondisplacement of existing employees; nonavailability for layoff replacement; noninfringement on promotional opportunities or collective bargaining agreements; labor disputes. A participant who is required to work as a condition of receiving public assistance may not be employed in or assigned to:

- A. A position that was previously filled by a regular employee when that employee is on layoff from the same or an equivalent position or when the vacancy was created by terminating an employee or otherwise reducing the workforce; [1997, c. 443, §1 (NEW).]
- B. An established position that is vacant; [1997, c. 443, §1 (NEW).]
- C. A worksite where there is a labor dispute, including a strike or lockout; or [1997, c. 443, §1 (NEW).]
- D. A worksite in a manner that violates an existing contract or collective bargaining agreement or infringes on the promotional opportunities for any employees. [1997, c. 443, §1 (NEW).]

[2007, c. 539, Pt. N, §56 (AMD) .]

2. Grievance procedures. The commissioner, with assistance from the department, shall adopt rules to ensure that:

- A. Persons required to work as a condition of receiving public assistance have access to a grievance procedure for the purpose of resolving complaints of alleged violations of subsection 1; and [1997, c. 443, §1 (NEW).]
- B. Regular employees at a worksite where a person required to work as a condition of receiving public assistance works have access to a grievance procedure for the purpose of resolving complaints of alleged violations of subsection 1. [1997, c. 443, §1 (NEW).]

Rules adopted pursuant to this subsection are routine technical rules in accordance with Title 5, chapter 375, subchapter II-A.

[1997, c. 443, §1 (NEW) .]

3. Penalty. Employers who do not comply with the requirements of this section may not participate in any work program for individuals required to work as a condition of receiving public assistance.

[1997, c. 443, §1 (NEW) .]

SECTION HISTORY

1997, c. 443, §1 (NEW). 2007, c. 539, Pt. N, §56 (AMD).

§1404. MIGRANT AND IMMIGRANT WORKER ASSISTANCE OUTREACH PROJECT

The department, to the extent possible within available resources, shall establish a migrant and immigrant worker assistance outreach project to assist migrant and immigrant workers in the State. The project shall coordinate with employers, employees, labor unions, nonprofit agencies and government agencies that serve migrant and immigrant workers to promote efforts that: [1997, c. 620, §1 (NEW).]

1. Educate. Educate employers and migrant and immigrant workers about state and federal laws that establish workers' employment-related rights and responsibilities;

[1997, c. 620, §1 (NEW) .]

2. Facilitate. Facilitate access for non-English-speaking workers to necessary translation services and programs that teach English as a 2nd language;

[1997, c. 620, §1 (NEW) .]

3. Assist. Assist migrant and immigrant workers in obtaining services necessary to improve their health and safety and broaden their employment opportunities; and

[1997, c. 620, §1 (NEW) .]

4. Advocate. Advocate for migrant and immigrant workers who seek redress of their grievances or who seek to make claims through government agencies and facilitate workers' access to legal services.

[1997, c. 620, §1 (NEW) .]

SECTION HISTORY

1997, c. 620, §1 (NEW).

§1405. LIVABLE WAGES; CALCULATION (REPEALED)

SECTION HISTORY

2007, c. 363, §2 (NEW). 2009, c. 11, §1 (AMD). 2011, c. 569, §2 (RP).

§1406. CALCULATION OF LIVABLE WAGE

By July 1, 2013 and biennially thereafter, the department shall calculate the livable wage and develop a basic needs budget for households in this State based on, at a minimum, a 2-parent household with 2 earners and 2 children representative family size, but only if funding has been appropriated for these purposes. [2011, c. 569, §3 (NEW).]

By December 1, 2013 and biennially thereafter, the department shall report the livable wages calculated and the basic needs budget for households developed pursuant to this section to the Legislature if funds have been appropriated for these purposes. [2011, c. 569, §3 (NEW).]

SECTION HISTORY

2011, c. 569, §3 (NEW).

Subchapter 2: REHABILITATION SERVICES Article 1: REHABILITATION ACT

§1411. SHORT TITLE

This article may be known and cited as the "Rehabilitation Act." [1995, c. 560, Pt. F, §13 (NEW).]

SECTION HISTORY

1995, c. 560, §F13 (NEW).

§1411-A. DEFINITIONS

As used in this article, unless the context otherwise indicates, the following terms have the following meanings. [1995, c. 560, Pt. F, §13 (NEW).]

1. Community rehabilitation program. "Community rehabilitation program" means a facility operated for the primary purpose of providing rehabilitation services to or gainful employment for people with disabilities, or evaluation and vocational services for disadvantaged individuals, that provides one or more of the following services for people with disabilities:

- A. Comprehensive rehabilitation services, which must include medical, psychological, social and vocational services under one management; [1995, c. 560, Pt. F, §13 (NEW).]
- B. Testing, fitting or training in the use of prosthetic or orthotic devices; [1995, c. 560, Pt. F, §13 (NEW).]
- C. Prevocational conditioning or recreational therapy; [1995, c. 560, Pt. F, §13 (NEW).]
- D. Physical and occupational therapy; [1995, c. 560, Pt. F, §13 (NEW).]
- E. Speech and hearing therapy; [1995, c. 560, Pt. F, §13 (NEW).]
- F. Psychological and social services; [1995, c. 560, Pt. F, §13 (NEW).]
- G. Vocational evaluation; [1995, c. 560, Pt. F, §13 (NEW).]
- H. Personal and work adjustment; [1995, c. 560, Pt. F, §13 (NEW).]
- I. Vocational training in combination with other rehabilitation services; [1995, c. 560, Pt. F, §13 (NEW).]
- J. Placement; [1995, c. 560, Pt. F, §13 (NEW).]
- K. Transitional and supported employment; and [1995, c. 560, Pt. F, §13 (NEW).]
- L. Extended employment for people with severe disabilities who can not readily enter the competitive labor market. [1995, c. 560, Pt. F, §13 (NEW).]

[1995, c. 560, Pt. F, §13 (NEW) .]

2. Disadvantaged individuals. "Disadvantaged individuals" means:

- A. Persons with disabilities as defined in this section; [1995, c. 560, Pt. F, §13 (NEW).]
- B. Individuals disadvantaged by reason of youth or advanced age, low educational attainments, ethnic or cultural factors, prison or delinquency records or other conditions; and [1995, c. 560, Pt. F, §13 (NEW).]
- C. Other members of their families when the provision of rehabilitation services to family members is necessary for the rehabilitation of individuals described in paragraph A or B. [1995, c. 560, Pt. F, §13 (NEW).]

[1995, c. 560, Pt. F, §13 (NEW) .]

3. Evaluation and vocational services. "Evaluation and vocational services" includes, as appropriate in each case, such services as:

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; [1995, c. 560, Pt. F, §13 (NEW).]

B. A diagnostic study consisting of a comprehensive evaluation of pertinent medical, psychological, vocational, educational, cultural, social and environmental factors that bear on the individual's barrier to employment and rehabilitation potential, including, to the degree needed, an evaluation of the individual's personality, intelligence level, educational achievements, work experience, vocational aptitudes and interests, personal and social adjustments, employment opportunities and other pertinent data helpful in determining the nature and scope of services needed; [1995, c. 560, Pt. F, §13 (NEW).]

C. Services to appraise the individual's patterns of work behavior and ability to acquire occupational skills and to develop work attitudes, work habits, work tolerances and social and behavior patterns suitable for successful job performance, including the utilization of work, simulated or real, to assess and develop the individual's capacities to perform adequately in a work environment; [1995, c. 560, Pt. F, §13 (NEW).]

D. Any other goods or services provided to a disadvantaged individual 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; [1995, c. 560, Pt. F, §13 (NEW).]

E. Outreach, referral and advocacy; and [1995, c. 560, Pt. F, §13 (NEW).]

F. The administration of these evaluation and vocational services. [1995, c. 560, Pt. F, §13 (NEW).]

[1995, c. 560, Pt. F, §13 (NEW) .]

4. Gainful employment. "Gainful employment" for a person who receives services from the Division for the Blind and Visually Impaired includes employment in the competitive labor market; practice of a profession; self-employment; homemaking; farm or family work, including work for which payment is in kind rather than in cash; supported employment; and home-based employment. "Gainful employment" for a person who receives services from the Division of Vocational Rehabilitation includes employment in the competitive labor market; practice of a profession; self-employment; supported employment; and home-based employment.

[2015, c. 141, §5 (AMD) .]

5. Person with 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 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 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.

[1995, c. 560, Pt. F, §13 (NEW) .]

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 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; [1995, c. 560, Pt. F, §13 (NEW).]
- B. Counseling, guidance and placement services for people with disabilities, including follow-up services to assist those individuals to maintain employment; [1995, c. 560, Pt. F, §13 (NEW).]
- C. Training services for people with disabilities, which may include personal and vocational adjustment, on-the-job training and books and other training materials; [2015, c. 141, §6 (AMD).]
- 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; [1995, c. 560, Pt. F, §13 (NEW).]
- E. Recruitment and training services for people with disabilities to provide them with suitable employment opportunities; [1995, c. 560, Pt. F, §13 (NEW).]
- 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 and visual services as prescribed by a physician skilled in the diseases of the eye or by an optometrist; [1995, c. 560, Pt. F, §13 (NEW).]
- G. Maintenance as necessary during rehabilitation, as established by the rules of the department; [1995, c. 560, Pt. F, §13 (NEW).]
- H. Occupational licenses, tools, equipment and initial stocks and supplies; [1995, c. 560, Pt. F, §13 (NEW).]
- I. In the case of a small business operated by people with severe 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; [1995, c. 560, Pt. F, §13 (NEW).]
- 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; [1995, c. 560, Pt. F, §13 (NEW).]
- K. Transportation in connection with the rendering of any other rehabilitation service; [1995, c. 560, Pt. F, §13 (NEW).]
- L. Any other goods and services necessary to render a person with a disability employable; and [1995, c. 560, Pt. F, §13 (NEW).]

M. Services to the families of people with disabilities when the services will contribute substantially to the rehabilitation of the individuals. [1995, c. 560, Pt. F, §13 (NEW).]

[2015, c. 141, §6 (AMD) .]

SECTION HISTORY

1995, c. 560, §F13 (NEW). 2015, c. 141, §§5, 6 (AMD).

§1411-B. REHABILITATION SERVICES UNIT CREATED

There is created within the department a functional unit of rehabilitation services, which is equal in administrative level and status with the other major administrative units within the department. [1995, c. 560, Pt. F, §13 (NEW).]

SECTION HISTORY

1995, c. 560, §F13 (NEW).

§1411-C. AUTHORITY

The department is the designated state agency established as the sole state agency to provide rehabilitation services, including but not limited to vocational rehabilitation services, and to provide evaluation and vocational services for purposes of the federal Rehabilitation Act of 1973 and acts amendatory and additional to the federal Rehabilitation Act of 1973. The commissioner shall make those rules that the commissioner finds necessary and appropriate for the administration of a program of rehabilitation services and shall organize such a program within the department in a manner that is consistent with existing federal and state laws, rules and regulations. [2015, c. 141, §7 (AMD) .]

SECTION HISTORY

1995, c. 560, §F13 (NEW). 2015, c. 141, §7 (AMD).

§1411-D. POWERS AND DUTIES OF DEPARTMENT

In carrying out this article, the commissioner: [1995, c. 560, Pt. F, §13 (NEW) .]

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;

[1995, c. 560, Pt. F, §13 (NEW) .]

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;

[1995, c. 560, Pt. F, §13 (NEW) .]

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

[1995, c. 560, Pt. F, §13 (NEW) .]

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 disabilities;

[1995, c. 560, Pt. F, §13 (NEW) .]

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;

[1995, c. 560, Pt. F, §13 (NEW) .]

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;

[1995, c. 560, Pt. F, §13 (NEW) .]

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

[1995, c. 560, Pt. F, §13 (NEW) .]

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, 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

[2015, c. 141, §8 (AMD) .]

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, 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.

[2015, c. 141, §9 (AMD) .]

SECTION HISTORY

1995, c. 560, §F13 (NEW). 2011, c. 348, §8 (AMD). 2015, c. 141, §§8, 9 (AMD).

§1411-E. ACCEPTANCE OF FEDERAL PROVISIONS

The department shall cooperate with the Federal Government in carrying out the purposes of federal statutes pertaining to vocational rehabilitation and is authorized to adopt methods of administration found by the Federal Government to be necessary for the proper and efficient operation of agreements or other conditions as necessary to secure the full benefits of the federal statutes to the State and its residents.

[1995, c. 560, Pt. F, §13 (NEW).]

The department is authorized, subject to the approval of the Governor, to: [1995, c. 560, Pt. F, §13 (NEW).]

1. Apply for assistance. Apply for federal assistance under the federal Rehabilitation Act of 1973 and acts amendatory and additional to the federal Rehabilitation Act of 1973, and to comply with conditions, not inconsistent with this article, that are required for such assistance; and

[2015, c. 141, §10 (AMD) .]

2. Perform for Federal Government. Perform functions and services for the Federal Government in addition to those provided for in this section.

[1995, c. 560, Pt. F, §13 (NEW) .]

SECTION HISTORY

1995, c. 560, §F13 (NEW). 2015, c. 141, §10 (AMD).

§1411-F. RECEIPT AND DISBURSEMENT OF FUNDS

The Treasurer of State is the appropriate officer of the State to receive and administer federal grants for rehabilitation programs, as contemplated by the federal Rehabilitation Act of 1973 and acts amendatory and additional to the federal Rehabilitation Act of 1973, and the State Controller shall authorize expenditures as approved by the department. [2015, c. 141, §11 (AMD).]

SECTION HISTORY

1995, c. 560, §F13 (NEW). 2015, c. 141, §11 (AMD).

§1411-G. GIFTS

The commissioner, with the approval of the Governor, may accept and use gifts made unconditionally by will or otherwise for carrying out the purposes of this article. Gifts made under conditions that in the judgment of the department are proper and consistent with this article may be accepted, with the approval of the Governor, and must be held, invested, reinvested and used in accordance with the conditions of the gift. All money received as gifts or donations must be deposited in the State Treasury and constitutes a permanent fund to be called the Special Fund for Rehabilitation of People with Disabilities and to be used by the department to defray the expenses of rehabilitation in special cases as determined by the commissioner, including the payment of necessary expenses of persons undergoing training. [1995, c. 560, Pt. F, §13 (NEW).]

SECTION HISTORY

1995, c. 560, §F13 (NEW).

§1411-H. MAINTENANCE NOT ASSIGNABLE

The right of a person with a disability to maintenance under this article is not transferable or assignable at law or in equity and none of the money paid or payable or rights existing under this article are subject to execution, levy, attachment, garnishment or other legal process or to the operation of bankruptcy or insolvency law. [2015, c. 141, §12 (AMD).]

SECTION HISTORY

1995, c. 560, §F13 (NEW). 2015, c. 141, §12 (AMD).

§1411-I. HEARINGS AND JUDICIAL REVIEW

An individual applying for or receiving rehabilitation under this article who is aggrieved by an action or inaction of the department is entitled to a fair hearing by the commissioner or the commissioner's designated representative. An individual aggrieved because of the decision made on the basis of the fair hearing may appeal to the Superior Court. [1995, c. 560, Pt. F, §13 (NEW).]

SECTION HISTORY

1995, c. 560, §F13 (NEW).

§1412. MISUSE OF LISTS AND RECORDS

Except for purposes directly connected with the administration of the rehabilitation program and in accordance with its rules, it is unlawful for a person or individual to solicit, disclose, receive or make use of, authorize, knowingly permit or participate in or acquiesce in the use of a list of names of, or information concerning, individuals applying for or receiving rehabilitation when that list or information is directly or indirectly derived from the records, papers, files or communications of the State or subdivisions of the State or acquired in the course of the performance of official duties. A person who violates a provision of this section is subject to a fine of not less than \$50 nor more than \$300 or by imprisonment for not more than 60 days, or both. [1995, c. 560, Pt. F, §13 (NEW).]

SECTION HISTORY

1995, c. 560, §F13 (NEW).

§1412-A. EMPLOYEES NOT TO ENGAGE IN POLITICAL ACTIVITIES

An officer or employee engaged in the administration of the rehabilitation program may not use that officer's or employee's official authority to influence or permit the use of the rehabilitation program for the purpose of interfering with an election or affecting the results of an election or for a partisan political purpose. An officer or employee may not solicit or receive or be obliged to contribute or render a service, assistance, subscription, assessment or contribution for a political purpose. An officer or employee violating this provision is subject to appropriate disciplinary action. [1995, c. 560, Pt. F, §13 (NEW).]

SECTION HISTORY

1995, c. 560, §F13 (NEW).

§1412-B. CONTINUING STUDY OF REHABILITATION NEEDS

The department shall make continuing study of 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 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. [1995, c. 560, Pt. F, §13 (NEW).]

SECTION HISTORY

1995, c. 560, §F13 (NEW).

§1412-C. BUREAU OF REHABILITATION SERVICES; DIVISION OF VOCATIONAL REHABILITATION

The commissioner shall establish within the department the Bureau of Rehabilitation Services. Within the bureau, the Division of Vocational Rehabilitation, as the designated state unit under the federal Rehabilitation Act of 1973, shall administer that group of rehabilitation services to nonblind and nonvisually impaired individuals specifically related to the federal vocational rehabilitation programs. [2015, c. 141, §13 (AMD).]

SECTION HISTORY

1995, c. 560, §F13 (NEW). 2015, c. 141, §13 (AMD).

§1412-D. PROVISION OF REHABILITATION SERVICES

Rehabilitation services may be provided directly or through public or private resources to people with disabilities, including those who are eligible for rehabilitation services under the terms of an agreement with another state or with the Federal Government. [1995, c. 560, Pt. F, §13 (NEW).]

SECTION HISTORY

1995, c. 560, §F13 (NEW).

§1412-E. RULES

The department is authorized to establish rules required for the proper administration of a vocational rehabilitation program under the federal Rehabilitation Act of 1973 and acts amendatory and additional to the federal Rehabilitation Act of 1973. These rules must include procedures for ensuring access to records by the protection and advocacy agencies designated under Title 5, Part 24 pursuant to an investigation of alleged rights violations. [2015, c. 141, §14 (AMD).]

SECTION HISTORY

1995, c. 560, §F13 (NEW). 2015, c. 141, §14 (AMD).

§1412-F. ADOPTION OF A GRIEVANCE PROCEDURE CONCERNING DISCRIMINATION ON THE BASIS OF DISABILITY

The commissioner shall adopt rules pursuant to Title 5, chapter 375, subchapter II to create a grievance procedure applicable to all bodies of State Government in accordance with 45 Code of Federal Regulations, Section 84.7 and with 28 Code of Federal Regulations, Section 35.107(b). To the extent that a grievance procedure adopted under this section conflicts with a grievance procedure otherwise adopted by a state agency to comply with 45 Code of Federal Regulations, Section 84.7, the procedure adopted under this section controls, except in cases of conflict with other federal regulations. [1995, c. 560, Pt. F, §13 (NEW).]

SECTION HISTORY

1995, c. 560, §F13 (NEW).

§1412-G. PROGRAM OF CONSUMER-DIRECTED PERSONAL CARE ASSISTANCE SERVICES

(REPEALED)

SECTION HISTORY

2001, c. 559, §BB4 (NEW). 2003, c. 2, §W1 (AMD). 2003, c. 465, §5 (AMD). 2003, c. 673, §WW1 (RP).

§1412-H. PROGRAM OF STATE-FUNDED CONSUMER-DIRECTED PERSONAL CARE ASSISTANCE SERVICES

(REPEALED)

SECTION HISTORY

2003, c. 673, §WW2 (NEW). 2003, c. 689, §B6 (REV). 2007, c. 240, Pt. 00, §1 (RP).

§1412-I. STRATEGIC PLANNING REPORT

1. Annual report. In addition to its existing duties, the Statewide Independent Living Council, established pursuant to 29 United States Code, Sections 796 to 796f (1999) and administered by the Bureau of Rehabilitation Services, shall, beginning January 15, 2017, provide an annual report to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over labor and economic development matters on the State's strategic planning efforts related to the ability of persons with disabilities to live independently, including but not limited to:

- A. Efforts to increase opportunities for persons with disabilities to live independently within the community; [2015, c. 452, §2 (NEW).]
- B. The effectiveness and coordination of programs and services designed to support independent living efforts; [2015, c. 452, §2 (NEW).]
- C. Efforts to improve vocational rehabilitation outcomes and efficiency in the development of individualized plans of employment with individuals eligible to receive rehabilitation services; [2015, c. 452, §2 (NEW).]
- D. Efforts to improve transition planning for students with disabilities by adding independent living assessments and strategies to prepare for postsecondary education; [2015, c. 452, §2 (NEW).]
- E. Efforts to ensure that new public buildings and public accommodations are accessible by persons with disabilities and to encourage the adoption of building codes that meet the most recent federal Americans with Disabilities Act of 1990 accessibility guidelines; [2015, c. 452, §2 (NEW).]
- F. Efforts to increase awareness of all available housing that is accessible and usable by persons with disabilities; and [2015, c. 452, §2 (NEW).]
- G. Any recommendations for improvement in the delivery of services to persons with disabilities. [2015, c. 452, §2 (NEW).]

[2015, c. 452, §2 (NEW).]

SECTION HISTORY

2015, c. 452, §2 (NEW).

Article 2: DIVISION FOR THE DEAF, HARD OF HEARING AND LATE DEAFENED

§1413. DIVISION FOR THE DEAF, HARD OF HEARING AND LATE DEAFENED

There is established the Division for the Deaf, Hard of Hearing and Late Deafened within the Department of Labor, Bureau of Rehabilitation Services. [2009, c. 174, §4 (AMD).]

SECTION HISTORY

1995, c. 560, §F13 (NEW). 2009, c. 174, §4 (AMD).

§1413-A. DEFINITIONS

As used in this article, unless the context otherwise indicates, the following terms have the following meanings. [1995, c. 560, Pt. F, §13 (NEW).]

1. Advisory council.

[2009, c. 174, §5 (RP) .]

1-A. Commission. "Commission" means the Commission for the Deaf, Hard of Hearing and Late Deafened.

[2009, c. 652, Pt. A, §39 (AMD) .]

2. Deaf. "Deaf" means that the sense of hearing of an individual is nonfunctional for the purpose of communication and that individual must depend primarily upon visual communication.

[1995, c. 560, Pt. F, §13 (NEW) .]

3. Hard of hearing. "Hard of hearing" means a hearing loss in an individual that results in a functional loss, but not to the extent that the individual must depend primarily upon visual communication.

[1995, c. 560, Pt. F, §13 (NEW) .]

4. Statewide registry.

[2009, c. 174, §7 (RP) .]

5. Late deafened. "Late deafened" means that the sense of hearing of an individual is nonfunctional for the purpose of communication and that the individual must depend primarily upon visual communication. The loss of the sense of hearing for a late-deafened individual occurs after the development of speech and language.

[2009, c. 174, §8 (NEW) .]

SECTION HISTORY

1995, c. 560, §F13 (NEW). 2009, c. 174, §§5-8 (AMD). 2009, c. 652, Pt. A, §39 (AMD).

§1413-B. POWERS AND DUTIES

To provide the following services and information to deaf, hard-of-hearing and late-deafened persons, the Division for the Deaf, Hard of Hearing and Late Deafened shall: [2009, c. 174, §9 (AMD).]

1. Provide advocacy. Provide cooperative agreements or coordinate with agencies or community resources to provide advocacy for the rights of deaf, hard-of-hearing and late-deafened persons in the areas of employment, education, legal aid, health care, social services, finance, housing and other personal assistance while avoiding duplication of effort in these areas;

[2009, c. 174, §10 (AMD) .]

1-A. Supervise vocational rehabilitation counselors for the deaf. Provide direct supervision and oversight of vocational rehabilitation counselors who provide counseling to deaf, hard-of-hearing and late-deafened persons and who are within the division of vocational rehabilitation within the Bureau of Rehabilitation Services;

[2011, c. 474, §1 (NEW) .]

2. Statewide registry.

[2009, c. 174, §11 (RP) .]

3. Information and referral. Provide information and referral services to deaf, hard-of-hearing and late-deafened persons and their families on questions related to their disorder;

[2009, c. 174, §12 (AMD) .]

4. Develop objectives. Develop a plan with goals and objectives for development, planning and implementation within a framework for greater cooperation and coordination among agencies and organizations now serving or having the potential to serve deaf, hard-of-hearing and late-deafened persons;

[2009, c. 174, §13 (AMD) .]

5. Community service center. Continue to study the need to establish, maintain and fund at least one community service center where deaf, hard-of-hearing and late-deafened persons and their families can receive pertinent information relating to the coordination of services that each requires;

[2009, c. 174, §14 (AMD) .]

6. Promote accessibility. Promote accessibility to all governmental services for residents of the State who are deaf, hard-of-hearing or late-deafened persons; and

[2009, c. 174, §15 (AMD) .]

7. Recommendations. Make recommendations to the Governor and the joint standing committees of the Legislature having jurisdiction over labor and health and human services matters with respect to modifications in existing services or establishment of additional services for deaf, hard-of-hearing and late-deafened persons and their families.

[2009, c. 174, §16 (AMD) .]

SECTION HISTORY

1995, c. 560, §F13 (NEW). 2009, c. 174, §§9-16 (AMD). 2011, c. 474, §1 (AMD).

§1413-C. COMMISSION

Within the department, the Commission for the Deaf, Hard of Hearing and Late Deafened, as established under Title 5, section 12004-J, subsection 17, consists of up to 23 members appointed by the Governor and representing equally consumers, professionals and the public. Members serve 3-year terms and may serve multiple terms without limit. Members are entitled to compensation in accordance with Title 5, chapter 379.

[2015, c. 141, §15 (AMD).]

The commission shall appoint, from its membership, a chair and vice-chair to serve 2-year terms. The commission shall meet at the call of the chair but not less than 4 times during a calendar year. The chair may delegate duties to members to carry out the functions of the commission. [2009, c. 174, §17 (AMD).]

SECTION HISTORY

1995, c. 560, §F13 (NEW). 2009, c. 174, §17 (AMD). 2009, c. 652, Pt. A, §40 (AMD). 2015, c. 141, §15 (AMD).

§1413-D. COMMISSION; POWERS AND DUTIES

The commission shall advise the Director of the Bureau of Rehabilitation Services and shall prepare an annual report, which is a public document to the extent that it complies with section 1412. The report must include, but is not limited to: [2009, c. 174, §18 (AMD).]

1. Review. Review of the status of services to deaf, hard-of-hearing and late-deafened persons;

[2009, c. 174, §18 (AMD) .]

2. Recommendations. Recommendations for priorities for the development and coordination of services to deaf, hard-of-hearing and late-deafened persons;

[2009, c. 174, §18 (AMD) .]

3. Evaluation. An evaluation of the progress made as the result of recommendations made in the preceding report of the chair;

[1995, c. 560, Pt. F, §13 (NEW) .]

4. Statement of goals. A statement of goals for activities of the division during the subsequent fiscal year; and

[1995, c. 560, Pt. F, §13 (NEW) .]

5. Implementation of functions. The steps to be taken by the division to implement the functions listed in section 1413-B.

[1995, c. 560, Pt. F, §13 (NEW) .]

SECTION HISTORY

1995, c. 560, §F13 (NEW). 2009, c. 174, §18 (AMD).

§1413-E. DIRECTOR OF THE DIVISION FOR THE DEAF, HARD OF HEARING AND LATE DEAFENED

1. Director. The Director of the Division for the Deaf, Hard of Hearing and Late Deafened is responsible for administering the Division for the Deaf, Hard of Hearing and Late Deafened and its programs and policies, including generating and seeking out financial aid, grants and money and overseeing vocational rehabilitation counselors who provide counseling to deaf, hard-of-hearing and late-deafened persons and who are within the division of vocational rehabilitation within the Bureau of Rehabilitation Services.

[2011, c. 474, §2 (AMD) .]

2. Director of the Division for the Deaf, Hard of Hearing and Late Deafened; staff; qualifications.

The Director of the Division for the Deaf, Hard of Hearing and Late Deafened and the staff must be knowledgeable of the needs of deaf, hard-of-hearing and late-deafened persons and possess the ability to communicate on a meaningful basis with those persons.

[2011, c. 474, §2 (AMD) .]

SECTION HISTORY

1995, c. 560, §F13 (NEW). 2009, c. 174, §19 (AMD). 2011, c. 474, §2 (AMD).

Article 3: INDEPENDENT LIVING SERVICES FOR PEOPLE WITH DISABILITIES**§1414. DEFINITIONS**

As used in this article, unless the context otherwise indicates, the following terms have the following meanings. [1995, c. 560, Pt. F, §13 (NEW).]

1. Independent living services. "Independent living services" means services that promote or train people with severe 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.

[1995, c. 560, Pt. F, §13 (NEW) .]

SECTION HISTORY

1995, c. 560, §F13 (NEW).

§1414-A. GRANTS

The department may make grants to establish independent living services. Funds must be disbursed and audited in accordance with departmental grant policies and procedures. The department shall submit an annual accounting of the program to the joint standing committee of the Legislature having jurisdiction over labor matters. [1995, c. 560, Pt. F, §13 (NEW).]

SECTION HISTORY

1995, c. 560, §F13 (NEW).

Article 4: ASSISTANCE TO PEOPLE WITH SEVERE PHYSICAL DISABILITIES TO ENABLE THEM TO WORK**§1415. DEFINITIONS**

As used in this article, unless the context otherwise indicates, the following terms have the following meanings. [1995, c. 560, Pt. F, §13 (NEW).]

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

[1995, c. 560, Pt. F, §13 (NEW) .]

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

[1995, c. 560, Pt. F, §13 (NEW) .]

3. Personal care assistance services. "Personal care assistance services" means services required by an individual with a severe physical disability for that individual to become physically independent in connection with that individual's capability for or actual employment. These services include, but are not limited to:

A. Routine bodily functions, such as bowel or bladder care; [1995, c. 560, Pt. F, §13 (NEW).]

B. Dressing; [1995, c. 560, Pt. F, §13 (NEW).]

C. Preparation and consumption of food; [1995, c. 560, Pt. F, §13 (NEW).]

D. Moving in and out of bed; [1995, c. 560, Pt. F, §13 (NEW).]

E. Routine bathing; [1995, c. 560, Pt. F, §13 (NEW).]

F. Ambulation; and [1995, c. 560, Pt. F, §13 (NEW).]

G. Any other similar function of daily living. [1995, c. 560, Pt. F, §13 (NEW).]

[1995, c. 560, Pt. F, §13 (NEW) .]

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

[1995, c. 560, Pt. F, §13 (NEW) .]

SECTION HISTORY

1995, c. 560, §F13 (NEW).

§1415-A. SUBSIDY

The bureau shall subsidize, in whole or in part, personal care assistance services for individuals eligible under section 1415-B. The amount of the subsidy for each hour of personal care assistance services is determined by the director of the bureau. The director of the bureau shall establish a sliding scale for financial participation by individuals who receive subsidies for personal care assistance services under this article.

[1995, c. 560, Pt. F, §13 (NEW).]

The sliding scale must be based on the net income of individuals who apply for or receive subsidies for personal care assistance services. The expenses associated with each individual's disabilities must be factored into the calculation of net income for the individual. Information needed to determine net income must be furnished through the self-declaration of individuals who apply for or receive subsidies, or their representatives. [1995, c. 560, Pt. F, §13 (NEW).]

SECTION HISTORY

1995, c. 560, §F13 (NEW).

§1415-B. ELIGIBILITY

An individual is eligible for a subsidy under section 1415-A if that individual: [1995, c. 560, Pt. F, §13 (NEW).]

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

[1995, c. 560, Pt. F, §13 (NEW) .]

2. Employed. Is employed or ready for employment;

[1995, c. 560, Pt. F, §13 (NEW) .]

3. Need for services. Has a need documented under section 1415-C for no fewer 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 1415-C;

[1995, c. 560, Pt. F, §13 (NEW) .]

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

[1995, c. 560, Pt. F, §13 (NEW) .]

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

[1995, c. 560, Pt. F, §13 (NEW) .]

6. Income and support. Has no or insufficient personal income or other support from public services, family members or neighbors.

[1995, c. 560, Pt. F, §13 (NEW) .]

SECTION HISTORY

1995, c. 560, §F13 (NEW).

§1415-C. EVALUATION TEAM REPORT

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

[1995, c. 560, Pt. F, §13 (NEW) .]

2. Duties. An individual who applies to the bureau for a personal care assistance services subsidy must 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 must be part of the report to the director.

[1995, c. 560, Pt. F, §13 (NEW) .]

3. Redetermination. An individual receiving a personal care assistance services subsidy under section 1415-A must be periodically reevaluated by an evaluation team to determine the individual's continuing need for personal care assistance services and the extent of that need.

[1995, c. 560, Pt. F, §13 (NEW) .]

SECTION HISTORY

1995, c. 560, §F13 (NEW).

§1415-D. RULES

The director of the bureau may adopt rules necessary to carry out the director's duties under this article.

[1995, c. 560, Pt. F, §13 (NEW).]

SECTION HISTORY

1995, c. 560, §F13 (NEW).

Article 5: IMPROVING OUTDOOR RECREATIONAL OPPORTUNITIES FOR PERSONS WITH DISABILITIES

§1416. DEFINITIONS

(REPEALED)

SECTION HISTORY

1995, c. 560, §F13 (NEW). 1999, c. 58, §3 (RP).

§1416-A. ADVISORY COMMITTEE ON IMPROVING OUTDOOR RECREATIONAL OPPORTUNITIES FOR PERSONS WITH DISABILITIES

(REPEALED)

SECTION HISTORY

1995, c. 560, §F13 (NEW). 1999, c. 58, §3 (RP).

§1416-B. IMPROVING RECREATIONAL OPPORTUNITIES FOR PERSONS WITH DISABILITIES

In addition to its existing duties, the Statewide Independent Living Council, established pursuant to 29 United States Code, Sections 796 to 796f (1999) and administered by the Bureau of Rehabilitation Services, through a standing committee on recreational opportunities for persons with disabilities, shall perform the following duties: [1999, c. 58, §4 (NEW).]

1. Advise commissioners. Advise the Commissioner of Labor, the Commissioner of Health and Human Services, the Commissioner of Agriculture, Conservation and Forestry, the Commissioner of Transportation, the Commissioner of Marine Resources, the Commissioner of Economic and Community Development and the Commissioner of Inland Fisheries and Wildlife on ways:

A. To provide technical consultation for increasing participation and inclusion for persons with disabilities in all areas of recreation, which are a matter of public policy; and [1999, c. 58, §4 (NEW).]

B. To promote the expansion of existing and the creation of new public recreational areas that are accessible to persons with disabilities; [1999, c. 58, §4 (NEW).]

[1999, c. 58, §4 (NEW); 2003, c. 689, Pt. B, §7 (REV); 2011, c. 657, Pt. W, §6 (REV).]

2. Educate public. Make the public aware of existing recreational opportunities that are accessible to persons with disabilities;

[1999, c. 58, §4 (NEW).]

3. Provide information. Provide and disseminate information and education to public and private clubs, organizations and civic groups and to individuals on making recreation accessible to persons with disabilities; and

[1999, c. 58, §4 (NEW).]

4. Conduct evaluations and provide technical assistance. In conjunction with the Bureau of Rehabilitation Services' staff, conduct accessibility evaluations upon request and provide technical assistance to recreation providers and users with regard to providing access for persons with disabilities.

[1999, c. 58, §4 (NEW) .]

SECTION HISTORY

1999, c. 58, §4 (NEW). 2003, c. 689, §B7 (REV). 2011, c. 657, Pt. W, §6 (REV).

Article 6: REHABILITATION SERVICES

§1417. REHABILITATION SERVICES

The department, under the direction of the Governor, may establish, conduct and maintain rehabilitation work as part of its program of aid and assistance for students with disabilities. That rehabilitation work must be in cooperation with career and technical education, as provided by Title 20-A, chapter 313. [1995, c. 560, Pt. F, §13 (NEW); 2005, c. 397, Pt. D, §3 (REV).]

Funds provided for aid and assistance carried on by the department may be used in providing rehabilitation services. [1995, c. 560, Pt. F, §13 (NEW).]

SECTION HISTORY

1995, c. 560, §F13 (NEW). 2005, c. 397, §D3 (REV).

Article 7: SERVICES FOR BLIND AND VISUALLY IMPAIRED INDIVIDUALS

§1418. DEFINITIONS

As used in this article, unless the context otherwise indicates, the following terms have the following meanings. [1995, c. 560, Pt. F, §13 (NEW).]

1. Blind person. "Blind person" means a person having not more than 20/200 central visual acuity in the better eye after correction or an equally disabling loss of the visual field so that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

[1995, c. 560, Pt. F, §13 (NEW) .]

2. Director. "Director" means the Director of the Division for the Blind and Visually Impaired.

[1995, c. 560, Pt. F, §13 (NEW) .]

3. Division. "Division" means the Division for the Blind and Visually Impaired in the department.

[1995, c. 560, Pt. F, §13 (NEW) .]

4. Jurisdiction. "Jurisdiction" means the control of the maintenance, operation and protection of public buildings and property of the State or of a county or a municipality.

[1995, c. 560, Pt. F, §13 (NEW) .]

5. Licensing agency. "Licensing agency" means the Division for the Blind and Visually Impaired, which is the state agency designated by the Rehabilitation Services Administration in the United States Department of Education to issue licenses to blind persons for the operation of vending facilities.

[1995, c. 560, Pt. F, §13 (NEW) .]

6. Manager. "Manager" means the blind person, duly licensed by the division, who personally operates the vending facility.

[1995, c. 560, Pt. F, §13 (NEW) .]

7. Public building or property. "Public building or property" means a building or land owned, leased or occupied by a department, agency or authority of the State or a county or a municipality of the State.

[1995, c. 560, Pt. F, §13 (NEW) .]

8. Vending facility. "Vending facility" means a restaurant, a cafeteria, including the cafeteria located in the State Office Building in Augusta, a snack bar, a vending machine for food and beverages and goods and services customarily offered in connection with a restaurant, a cafeteria, a snack bar or a vending machine.

[1995, c. 560, Pt. F, §13 (NEW) .]

SECTION HISTORY

1995, c. 560, §F13 (NEW).

§1418-A. DIVISION FOR THE BLIND AND VISUALLY IMPAIRED

The Division for the Blind and Visually Impaired is established within the department under the jurisdiction of the Director of the Division for the Blind and Visually Impaired. The commissioner shall appoint the director, subject to the Civil Service Law. [1995, c. 560, Pt. F, §13 (NEW).]

SECTION HISTORY

1995, c. 560, §F13 (NEW).

§1418-B. JURISDICTION OF DIRECTOR DEFINED

"Jurisdiction of the director" means having direct administrative responsibility for all programs and personnel under this article. [1995, c. 560, Pt. F, §13 (NEW).]

SECTION HISTORY

1995, c. 560, §F13 (NEW).

§1418-C. PROGRAM ESTABLISHED; DIVISION FOR THE BLIND AND VISUALLY IMPAIRED

The division, as the designated state unit under the federal Rehabilitation Act of 1973, shall administer services related to blind and visually impaired individuals. The division shall provide a program of services for blind persons, including prevention of blindness, locating of blind persons, vocational guidance and training of blind persons, placement of blind persons in employment, assistance to local schools in meeting the special needs of blind students, instruction of adult blind persons in their homes and other social services to blind persons. [2015, c. 141, §16 (AMD).]

SECTION HISTORY

1995, c. 560, §F13 (NEW). 2015, c. 141, §16 (AMD).

§1418-D. EDUCATION OF BLIND CHILDREN

1. Division services. The division shall provide the following services to blind and visually impaired persons from birth to age 21:

A. Itinerant teacher services; [1995, c. 560, Pt. F, §13 (NEW).]

B. Mobility instruction; [1995, c. 560, Pt. F, §13 (NEW).]

C. Braille instruction; [1995, c. 560, Pt. F, §13 (NEW).]

D. Low-vision services; [1995, c. 560, Pt. F, §13 (NEW).]

E. Special aids and supplies needed to participate in the educational process; and [1995, c. 560, Pt. F, §13 (NEW).]

F. Advocacy, counseling and guidance services to students and their parents. [1995, c. 560, Pt. F, §13 (NEW).]

[1995, c. 560, Pt. F, §13 (NEW) .]

2. Department of Education input; school administrative units. The division shall ensure that the Department of Education has input into any contract to provide educational services and delivery of those services to blind or visually impaired children from birth to 20 years of age. Educational services for blind or visually impaired children from birth to 20 years of age are an entitlement mandated by federal law and, as such, children will receive priority for all services provided by the division. Nothing in this section relieves school administrative units from fulfilling their responsibilities under Title 20-A, Part 4, subpart 1.

[2011, c. 661, §1 (AMD) .]

SECTION HISTORY

1995, c. 560, §F13 (NEW). 2011, c. 661, §1 (AMD).

§1418-E. MANDATORY REPORT OF BLINDNESS

Whenever, upon examination at a clinic, hospital or other institution, or elsewhere, by a physician, optometrist, institutional superintendent or other qualified person, the visual acuity of a person is found to be with correction 20/200 or less in the better eye, or the peripheral field of the person's vision is found to have contracted to a 20-degree diameter or less, regardless of visual acuity, the person conducting the examination shall, within 30 days, report to the director the result of the examination and that blindness of the person examined has been established. The report may not be made if the person examined so requests. If blindness of the person examined has been established, the division shall inform and advise that person as to services for the blind provided by the division. [1995, c. 560, Pt. F, §13 (NEW).]

SECTION HISTORY

1995, c. 560, §F13 (NEW).

§1418-F. BUSINESS ENTERPRISE PROGRAM

To provide blind persons with remunerative employment, enlarge the economic opportunities of blind persons and encourage blind persons to become self-supporting, the officer, board or other authority in charge of a public building or property shall grant to the division authority: [1995, c. 560, Pt. F, §13 (NEW) .]

1. Vending facility. To install in that building or property a vending facility whenever a vending facility may be operated by a blind person; and

[1995, c. 560, Pt. F, §13 (NEW) .]

2. Vending machines. To place vending machines operated by the division in a building or property if a vending facility operated by a blind person is not warranted. Income from these vending machines must be used for the purposes set forth in this section.

[1995, c. 560, Pt. F, §13 (NEW) .]

SECTION HISTORY

1995, c. 560, §F13 (NEW).

§1418-G. PREFERENCE

The officer, board or other authority in charge of a public building or property shall: [1995, c. 560, Pt. F, §13 (NEW) .]

1. Policies. Adopt policies and take actions necessary to ensure that blind persons are given preference in the establishment and the operation of vending facilities on property under its jurisdiction;

[1995, c. 560, Pt. F, §13 (NEW) .]

2. Surveys. Cooperate with the division in surveys of properties and buildings under its control in order to find suitable locations for the operation of vending facilities by managers and, after a determination that a facility may be operated by a manager, shall cooperate with the division in the installation of a vending facility;

[1995, c. 560, Pt. F, §13 (NEW) .]

3. Income. To achieve and protect the preference of blind persons in the operation of vending facilities, arrange for the assignment of the income derived from vending machines that are located in reasonable proximity to and in direct competition with a vending facility for which authority is granted pursuant to this article to the manager or managers affected. A vending machine that vends articles authorized for vending pursuant to section 1418, subsection 8 and is so located that it attracts customers who would otherwise patronize the vending facility is considered to be in reasonable proximity to and in direct competition with the vending facility;

[1995, c. 560, Pt. F, §13 (NEW) .]

4. Licensing. Inform the division not less than 60 days prior to the termination, issuance or renewal of a contract for the operation of a vending facility; and

[1995, c. 560, Pt. F, §13 (NEW) .]

5. Vending machines. Allow the division to place vending machines in a building where a vending facility operated by a manager would not be feasible. Income from these machines accrues to the division's set-aside account for purposes stated in section 1418-F.

[1995, c. 560, Pt. F, §13 (NEW) .]

SECTION HISTORY

1995, c. 560, §F13 (NEW).

§1418-H. POWERS AND DUTIES OF THE DIVISION

In carrying out this article the division shall: [1995, c. 560, Pt. F, §13 (NEW) .]

1. Rules. Prescribe rules governing:

A. The maintenance of a roster of blind persons eligible to become managers and the issuance of licenses; [1995, c. 560, Pt. F, §13 (NEW).]

B. A fair hearing. In the case of a manager desiring to appeal a decision, the division shall appoint a hearing board consisting of 3 persons, one to be chosen by the manager, one to be chosen by the division and the 3rd person chosen by the other 2 persons. The decision of the board is final; [1995, c. 560, Pt. F, §13 (NEW).]

C. The right to, the title to and the interest in vending facility equipment and stock; and [1995, c. 560, Pt. F, §13 (NEW).]

D. The civil rights of managers; [1995, c. 560, Pt. F, §13 (NEW).]

[1995, c. 560, Pt. F, §13 (NEW) .]

2. Other. Prescribe rules necessary to carry out the purposes of this article;

[1995, c. 560, Pt. F, §13 (NEW) .]

3. Surveys. Conduct surveys to find locations where vending facilities may be operated by blind persons and establish vending facilities as it determines appropriate;

[1995, c. 560, Pt. F, §13 (NEW) .]

4. Management. Provide management and supervisory services determined necessary to ensure that each vending facility is operated in the most effective and productive manner possible;

[1995, c. 560, Pt. F, §13 (NEW) .]

5. Plans. Provide plans and specifications for proposed vending facilities and equipment to the appropriate officer, board or authority for approval prior to installation; and

[1995, c. 560, Pt. F, §13 (NEW) .]

6. Other action. Take any other action necessary or appropriate to carry out the purposes of this article.

[1995, c. 560, Pt. F, §13 (NEW) .]

SECTION HISTORY

1995, c. 560, §F13 (NEW).

§1418-I. CONSTRUCTION; REMODELING; PLANNING FOR VENDING FACILITY

To carry out the purposes of this article, when new construction, remodeling, leasing, acquisition or improvement of public buildings or properties is authorized, the agency directing that construction, remodeling, leasing, acquisition or improvement shall, when the size of the building or property warrants, make available suitable space and facilities for vending facilities to be operated in the building or property by blind persons. [1995, c. 560, Pt. F, §13 (NEW).]

SECTION HISTORY

1995, c. 560, §F13 (NEW).

§1418-J. CONSTRUCTION OF BUILDINGS

If a suitable location is available for a vending facility that requires the construction of a portable building, the division may construct such a building and may have the use of the land on which to construct the building. [1995, c. 560, Pt. F, §13 (NEW).]

SECTION HISTORY

1995, c. 560, §F13 (NEW).

§1418-K. FEES

1. Fees prohibited generally. Except as provided in subsection 2, a rental fee may not be required or received for the granting of authority to the division to operate a vending facility.

[1997, c. 393, Pt. A, §31 (NEW) .]

2. Fees authorized; limitation. A rental fee or other fee may be charged to the operator only if the vending facility is located on commercial municipal property, including a public airport, where the following conditions are met:

A. The vending facility generates revenue primarily from the general public at large rather than from public employees; [1997, c. 393, Pt. A, §31 (NEW).]

B. The vending facility occupies space for which there are other competing retail commercial uses and other retail users are, in fact, renting nearby public space on the property; and [1997, c. 393, Pt. A, §31 (NEW).]

C. The public owner depends on generating revenue from the space occupied by the vending facility. [1997, c. 393, Pt. A, §31 (NEW).]

Any rent or other fee charged to the operator must be less than what would otherwise be charged to a competing commercial tenant and must be pursuant to a written agreement. The terms of the agreement must adequately account for the value of investments made by the division to create or maintain the vending facility.

[1997, c. 393, Pt. A, §31 (NEW) .]

3. Application. This section applies to the rental of vending facilities and the renewal of any rental agreement after the effective date of this section.

[1997, c. 393, Pt. A, §31 (NEW) .]

SECTION HISTORY

1995, c. 560, §F13 (NEW). 1997, c. 393, §A31 (RPR).

§1418-L. CORRECTIONAL, MENTAL AND CERTAIN EDUCATIONAL INSTITUTIONS

This article does not apply to or authorize the installation of vending facilities in a building wholly used by a correctional or mental institution or by an educational institution of any type supported in whole or in part from public funds, unless that educational institution is a university, college, junior college or a community college. [1995, c. 560, Pt. F, §13 (NEW); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF).]

SECTION HISTORY

1995, c. 560, §F13 (NEW). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF).

§1418-M. APPLICATION

If a vending facility not under the control of the division exists in a building or on property of the State, a county or a municipality, the person having jurisdiction over that building or property shall give preference to the division to continue operation of the vending facility when an existing lease or contract expires or is terminated. [1995, c. 560, Pt. F, §13 (NEW).]

SECTION HISTORY

1995, c. 560, §F13 (NEW).

Article 8: DEAF, HARD-OF-HEARING AND LATE-DEAFENED PERSONS

Subarticle 1: GENERAL PROVISIONS

§1419. GENERAL PROVISIONS

1. Definitions. As used in this article, unless the context otherwise indicates, the following terms have the following meanings.

A. "Deaf person" means a person whose sense of hearing is nonfunctional for the purpose of ordinary communication. [1995, c. 560, Pt. F, §13 (NEW).]

B. "Hard-of-hearing person" means a person whose sense of hearing is defective, but still functional, with or without amplification. [1995, c. 560, Pt. F, §13 (NEW).]

B-1. "Person with a disability" means a person who is unable to communicate by telephone because of a vision, mobility or other physical or mental impairment. [1997, c. 751, Pt. A, §1 (NEW).]

B-2. "Specialized customer communications equipment" means communications equipment used by persons with disabilities to conduct telephone communications or equipment that provides or assists in providing emergency alert notification to deaf persons or hard-of-hearing persons. "Specialized customer communications equipment" includes but is not limited to teletypewriters, artificial larynges, signaling devices, amplified handsets, telecoil technology, large number dial overlays, direct telephone dialing, fax machines, equipment necessary to use short message services or text message services and other equipment used by persons with disabilities to provide access to telephone networks and equipment that provides or facilitates emergency alert notification to deaf persons or hard-of-hearing persons. [2011, c. 173, §1 (AMD).]

C. "Speech-impaired person" means a person whose speech is nonfunctional or defective for the purpose of ordinary communication. [1995, c. 560, Pt. F, §13 (NEW).]

D. [1997, c. 751, Pt. A, §2 (RP).]

E. "Telecommunications relay service" means a service transmitting messages and information between a person using standard telephone equipment for spoken communications and a deaf, hard-of-hearing or speech-impaired person using a telecommunications device for the deaf. [1995, c. 560, Pt. F, §13 (NEW).]

F. "Late deafened" means that the sense of hearing of an individual is nonfunctional for the purpose of communication and that the individual must depend primarily upon visual communication. The loss of the sense of hearing for a late-deafened individual occurs after the development of speech and language. [2009, c. 174, §20 (NEW).]

[2011, c. 173, §1 (AMD).]

2. Specialized customer communications equipment system. The department shall consult with appropriate agencies and organizations serving deaf, hard-of-hearing or speech-impaired persons and persons with disabilities concerning the needs of the specialized customer communications equipment system. To the

extent that funds are available, the department shall take steps necessary to preserve and maintain a viable specialized customer communications equipment system for use by deaf, hard-of-hearing or speech-impaired persons and persons with disabilities in this State, including, but not limited to, providing for repair services and equipment for loaning to persons whose specialized customer communications equipment is being repaired. The department may also use available funds to provide training in the use of specialized customer communications equipment.

[2003, c. 553, Pt. A, §2 (AMD) .]

SECTION HISTORY

1995, c. 560, §F13 (NEW). 1997, c. 751, §§A1-3 (AMD). 2001, c. 377, §1 (AMD). 2003, c. 553, §§A1,2 (AMD). 2009, c. 174, §20 (AMD). 2011, c. 173, §1 (AMD).

§1419-A. SPECIALIZED CUSTOMER COMMUNICATIONS EQUIPMENT FOR PERSONS WITH DISABILITIES

1. Money for specialized customer telecommunications equipment.

[2003, c. 553, Pt. A, §3 (RP) .]

2. Communications Equipment Fund. There is established the Communications Equipment Fund to be used by the Division for the Deaf, Hard of Hearing and Late Deafened within the Bureau of Rehabilitation Services. The fund is nonlapsing. The fund receives money transferred by the Public Utilities Commission from the universal service fund pursuant to Title 35-A, section 7104. The Division for the Deaf, Hard of Hearing and Late Deafened may accept gifts or grants, including, but not limited to, federal grants, for the purposes of this section. Funds transferred from the universal service fund pursuant to Title 35-A, section 7104 and all gifts and grants and authorized appropriations must be deposited in the Communications Equipment Fund and disbursed in accordance with this section. The Communications Equipment Fund may be used for purchase, lease, distribution, upgrading, installation, maintenance and repair of specialized customer communications equipment for deaf, hard-of-hearing, late-deafened or speech-impaired persons and persons with disabilities, for training in the use of such equipment and for administrative costs associated with these uses of the fund, except that funds received for the purposes of subsection 6 pursuant to Title 35-A, section 7104 may be used only in accordance with subsection 6. The Division for the Deaf, Hard of Hearing and Late Deafened may draw on the Communications Equipment Fund in accordance with the communications equipment plan required under subsection 3.

[2009, c. 174, §21 (AMD) .]

3. Communications equipment plan. The Division for the Deaf, Hard of Hearing and Late Deafened shall develop a plan to make specialized customer communications equipment available to deaf, hard-of-hearing, late-deafened or speech-impaired persons and persons with disabilities and to distribute money from the Communications Equipment Fund. The plan must be developed by the Division for the Deaf, Hard of Hearing and Late Deafened annually, not later than January 1st, in accordance with the rule-making procedures in Title 5, chapter 375. The plan must provide for the expenditure of money from the Communications Equipment Fund for the benefit of deaf, hard-of-hearing, late-deafened or speech-impaired persons and persons with disabilities for the purchase, lease, distribution, upgrading, installation, maintenance and repair of specialized customer communications equipment capable of serving their needs and may provide for expenditures for training in the use of such equipment. Persons who are profoundly deaf or speech-impaired or who have a disability so that they are unable to use the telephone for expressive or receptive communications, as verified by a written report from an otologist, an audiologist or a physician, are eligible for assistance from the Communications Equipment Fund. The plan must ensure that persons with disabilities have access to appropriate specialized customer communications equipment to meet their individual needs. The plan must include specific criteria that govern the priorities assigned to various persons

who need this equipment. The criteria must take into account household income, degree of impairment, need for emergency communications, living arrangements and other factors determined relevant by the Division for the Deaf, Hard of Hearing and Late Deafened. In developing the criteria, the Division for the Deaf, Hard of Hearing and Late Deafened shall consult with the commission and advisory councils representing the interests of persons with disabilities.

[2009, c. 174, §21 (AMD) .]

4. Specialized customer communications equipment needs in public school system. The Department of Education, in consultation with the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf and advocacy groups for deaf, hard-of-hearing and late-deafened persons and for the information technology interests of consumers, shall conduct an annual survey of all public schools in the State for the purpose of assessing the need for specialized customer communications equipment in the school system and report its findings to the joint standing committee of the Legislature having jurisdiction over labor matters. The report must include: the number of deaf, hard-of-hearing and late-deafened students and their needs for specialized customer communications equipment; the availability of specialized customer communications equipment; the number of requests for specialized customer communications equipment; and the status of training for teachers and other school personnel in the use of specialized customer communications equipment.

[2009, c. 174, §21 (AMD) .]

5. Assessment on telecommunications carriers.

[2003, c. 553, Pt. A, §3 (RP) .]

6. Emergency alert telecommunications service. A person who has been certified by the Division for the Deaf, Hard of Hearing and Late Deafened as being deaf, hard-of-hearing or late-deafened and has an income of less than 135% of the federal poverty level must receive a discount of up to \$10 per month in the service charge for any wireless communications device or 2-way pager that is used to receive emergency alerts issued by any state or federal agency or a discount equal to the monthly service charge for any one-way pager that is used to receive emergency alerts issued by any state or federal agency. A person using a wireless communications device or 2-way pager must receive a \$10 discount except when the service charge for the wireless communications device or 2-way pager is less than \$10 per month, in which case the person must receive a discount equal to the service charge for the wireless communications device or 2-way pager. A company required to provide the discount is entitled to recover amounts discounted from the Communications Equipment Fund established in subsection 2. The Bureau of Rehabilitation Services shall adopt rules to establish the process for certifying eligibility with the Division for the Deaf, Hard of Hearing and Late Deafened and for the process to be used by wireless and paging companies in recovering discounted revenue from the Communications Equipment Fund. Administrative costs associated with implementing this subsection may be paid from funds provided to the Communications Equipment Fund for the purposes of this subsection pursuant to Title 35-A, section 7104. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[2009, c. 174, §21 (AMD) .]

SECTION HISTORY

1995, c. 560, §F13 (NEW). 1997, c. 751, §A4 (AMD). 1999, c. 227, §§1,2 (AMD). 2003, c. 553, §A3 (AMD). 2005, c. 279, §16 (AMD). 2005, c. 336, §§1,2 (AMD). 2007, c. 224, §§1, 2 (AMD). 2009, c. 174, §21 (AMD).

§1419-B. EQUAL ACCESS FOR DEAF, HARD-OF-HEARING OR SPEECH-IMPAIRED CONSUMERS TO WIRELESS TELECOMMUNICATION SERVICES
(REPEALED)

SECTION HISTORY

2001, c. 377, §2 (NEW).

Subarticle 2: RIGHTS OF DEAF AND HARD-OF-HEARING PERSONS

§1420. POLICY

It is the policy of this State to encourage and enable deaf and hard-of-hearing persons to participate fully in the social and economic life of this State and to engage in remunerative employment. The provisions of rights and penalties for denial of those rights, as specified in this subarticle, are not intended to abrogate any actions or penalties provided for violation of human rights, as specified in the Maine Human Rights Act, Title 5, chapter 337. [1995, c. 560, Pt. F, §13 (NEW).]

SECTION HISTORY

1995, c. 560, §F13 (NEW).

§1420-A. RIGHTS

The rights, established by this subarticle, of deaf and hard-of-hearing persons are as follows. [1995, c. 560, Pt. F, §13 (NEW).]

1. Streets and public places. Deaf and hard-of-hearing persons have the same rights as able-bodied persons to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities and other public places.

[1995, c. 560, Pt. F, §13 (NEW) .]

2. Public conveyances. Deaf and hard-of-hearing persons are entitled to full and equal accommodations, advantages, facilities and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, street cars, boats or any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodation or amusement, or resorts and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

[1995, c. 560, Pt. F, §13 (NEW) .]

3. Guide dogs.

[2007, c. 664, §24 (RP) .]

4. Especially trained guide dog trainer; access to public facilities; responsibilities.

[2007, c. 664, §25 (RP) .]

5. Housing accommodations; persons with hearing-assistance animals.

[2007, c. 664, §26 (RP) .]

6. Housing accommodations; defined. "Housing accommodations," as used in this section, means a real property, or portion of real property, that is used or occupied, or is intended, arranged or designed to be used or occupied, as the home, residence or sleeping place of one or more human beings, including, but not limited to, public housing projects and all forms of publicly assisted housing, single-family and multifamily rental and sale units, lodging places, condominiums and cooperative apartments. "Housing accommodations" does not include:

A. The rental of a housing accommodation in a building that contains housing accommodations for not more than 2 families living independently of each other, if the owner or members of the owner's family reside in that housing accommodation; or [1995, c. 560, Pt. F, §13 (NEW).]

B. The rental of a room or rooms in a housing accommodation, if the rental is by the occupant of the housing accommodation or by the owner of the housing accommodation and the owner or members of the owner's family reside in that housing accommodation. [1995, c. 560, Pt. F, §13 (NEW).]

[1995, c. 560, Pt. F, §13 (NEW) .]

SECTION HISTORY

1995, c. 560, §F13 (NEW). 2003, c. 414, §B39 (AMD). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2007, c. 664, §§24-26 (AMD).

§1420-B. MOTOR VEHICLE DRIVERS

The driver of a vehicle approaching a deaf or hard-of-hearing person using a properly identified guide dog shall take all necessary precautions to avoid injury to that person and the guide dog. A driver who fails to take such precautions is liable in damages for any injury caused to that person or dog. A deaf or hard-of-hearing person not using a guide dog in any of the places, accommodations or conveyances listed in section 1420-A has all of the rights and privileges conferred by law upon other persons. The failure of a deaf or hard-of-hearing person to use a guide dog in those places, accommodations or conveyances does not constitute nor is it evidence of contributory negligence. [1995, c. 560, Pt. F, §13 (NEW).]

SECTION HISTORY

1995, c. 560, §F13 (NEW).

§1420-C. PENALTY

1. Interference with admittance or enjoyment; rights. A person or the person's agent may not:

A. Deny or interfere with admittance to or enjoyment of the public facilities described in section 1420-A; or [2003, c. 452, Pt. O, §6 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. Otherwise interfere with the rights of a deaf or hard-of-hearing person under section 1420-A. [2003, c. 452, Pt. O, §6 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[2003, c. 452, Pt. O, §6 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

2. Penalty. Violation of this section is a Class E crime. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[2003, c. 452, Pt. O, §6 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

SECTION HISTORY

1995, c. 560, §F13 (NEW). 2003, c. 452, §X2 (AFF). 2003, c. 452, §O6 (RPR).

§1420-D. MISREPRESENTATION OF HEARING DOG

(REPEALED)

SECTION HISTORY

2003, c. 452, §O7 (NEW). 2003, c. 452, §X2 (AFF). 2007, c. 664, §27 (RP).

Article 9: PERSONAL CARE ASSISTANCE SERVICES
FOR ADULTS WITH SEVERE PHYSICAL DISABILITIES

§1421. PROGRAM ESTABLISHED

(REPEALED)

SECTION HISTORY

1995, c. 560, §F13 (NEW). 1997, c. 734, §4 (RP).

§1421-A. ELIGIBILITY

(REPEALED)

SECTION HISTORY

1995, c. 560, §F13 (NEW). 1997, c. 734, §4 (RP).

§1421-B. EVALUATION TEAMS

(REPEALED)

SECTION HISTORY

1995, c. 560, §F13 (NEW). 1997, c. 734, §4 (RP).

§1421-C. REIMBURSEMENT

(REPEALED)

SECTION HISTORY

1997, c. 509, §1 (NEW). 1997, c. 734, §4 (RP).

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