



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1001

H.P. 737

House of Representatives, March 10, 2011

**An Act To Assist Persons Who May Be Eligible for Social Security
Disability Assistance**

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative EVES of North Berwick.
Cosponsored by Senator ROSEN of Hancock and
Representatives: CORNELL du HOUX of Brunswick, FOSSEL of Alna, ROTUNDO of
Lewiston, SANBORN of Gorham, STRANG BURGESS of Cumberland, STUCKEY of
Portland.

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

2 **Sec. 1. 22 MRSA §3788, sub-§3**, as amended by PL 2001, c. 335, §2, is further
3 amended to read:

4 **3. Assessment.** Each participant's case manager shall conduct an initial assessment
5 to determine that individual's education, training and employment needs based on
6 available program resources, the participant's skills and aptitudes, the participant's need
7 for supportive services, local employment opportunities, the existence of any good cause
8 circumstances under section 3785 and, to the maximum extent possible, the preferences
9 of the participant. The department shall document findings in the participant's case
10 record indicating any barriers to participation, including, but not limited to, any physical
11 or mental health problems or other good cause circumstances specified in section 3785.

12 If it is determined upon initial assessment or at a later date that the participant has
13 significant employment barriers, including physical or mental health problems, learning
14 disabilities or limitations related to providing care for a disabled household member or a
15 child with serious behavioral problems, the case manager shall refer that participant for a
16 comprehensive disability screening and assessment conducted by a qualified individual to
17 identify the abilities, limitations and needs of that participant. The participant may
18 supplement the assessment with medical records or any other credible information related
19 to the participant's ability to participate in program activities. Such an assessment may
20 also be initiated at the request of the participant at any time.

21 The case manager shall use the comprehensive disability screening and assessment to
22 determine appropriate services and supports to enable economic self-sufficiency and
23 family well-being for the participant that may include:

24 A. Referral to a community agency qualified to assist the participant with services,
25 supports, education, training and accommodations needed to reduce or overcome any
26 barriers to achieve self-sufficiency and to fulfill each participant's personal and
27 family responsibilities; or

28 B. Assistance applying for federal social security disability insurance benefits or
29 federal supplemental security income benefits needed by that participant to access
30 those benefits in accordance with subsection 3-A.

31 Nothing in this subsection may preclude a determination that the participant is
32 temporarily unable to participate due to good cause circumstances as described in section
33 3785. Any determination made under this subsection may be appealed in accordance with
34 section 3762, subsection 9.

35 A participant identified as qualifying for the comprehensive disability screening and
36 assessment under this subsection may not be sanctioned for failing to comply with an
37 assigned activity until assessment results are received and reviewed by the department.

38 The department shall provide training for case managers to ensure that they are able to
39 identify participants needing the comprehensive disability screening and assessment and
40 understand the requirements of the federal Americans with Disabilities Act.

41 **Sec. 2. 22 MRSA §3788, sub-§3-A** is enacted to read:

