

**CHAPTER 41**

**EMPLOYMENT FIRST MAINE ACT**

**§3401. Short title**

**(REALLOCATED FROM TITLE 26, SECTION 3301)**

This chapter may be known and cited as "the Employment First Maine Act." [RR 2013, c. 1, §44 (RAL).]

**SECTION HISTORY**

RR 2013, c. 1, §44 (RAL).

**§3402. Definitions**

**(REALLOCATED FROM TITLE 26, SECTION 3302)**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [RR 2013, c. 1, §45 (RAL).]

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

[RR 2013, c. 1, §45 (RAL).]

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

[RR 2013, c. 1, §45 (RAL).]

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

[RR 2013, c. 1, §45 (RAL).]

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

[RR 2013, c. 1, §45 (RAL).]

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

[RR 2013, c. 1, §45 (RAL).]

**SECTION HISTORY**

RR 2013, c. 1, §45 (RAL).

**§3403. State agencies; requirements**

**(REALLOCATED FROM TITLE 26, SECTION 3303)**

**1. Employment as core component of services and supports.** In carrying out its duties to provide services and supports to persons with disabilities, a state agency shall include as a core component of

its services and supports the opportunity for persons with disabilities to acquire integrated community-based employment or customized employment.

A. When entering into contracts with providers of services to persons with disabilities, a state agency shall include appropriate provisions regarding facilitating integrated community-based employment or customized employment and ensuring measurable outcomes. [RR 2013, c. 1, §46 (RAL).]

B. A state agency shall incorporate standards for integrated community-based employment and customized employment into its processes for program monitoring and quality assurance. [RR 2013, c. 1, §46 (RAL).]  
[RR 2013, c. 1, §46 (RAL).]

**2. First and preferred service or support option.** When providing services or supports to a person with a disability, a state agency shall offer to the person, as the first and preferred service or support option, a choice of employment services that will support the acquisition by the person of integrated community-based employment or customized employment.  
[RR 2013, c. 1, §46 (RAL).]

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

A. Coordinate its efforts with other state agencies to ensure that the programs directed, the funding managed and the policies adopted by each state agency support the acquisition by persons with disabilities of integrated community-based employment or customized employment; and [RR 2013, c. 1, §46 (RAL).]

B. When permissible under the law, share information regarding the use of services and other data with other state agencies in order to monitor progress toward facilitating the acquisition by persons with disabilities of integrated community-based employment or customized employment. [RR 2013, c. 1, §46 (RAL).]  
[RR 2013, c. 1, §46 (RAL).]

**4. Pursuit of employment; option.** Nothing in this chapter may be construed to require a person with a disability who receives services from a state agency to accept employment services from that state agency or to experience a loss of services as a result of choosing not to explore employment options.  
[RR 2013, c. 1, §46 (RAL).]

**5. Rulemaking.** A state agency shall adopt rules to implement this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.  
[RR 2013, c. 1, §46 (RAL).]

## SECTION HISTORY

RR 2013, c. 1, §46 (RAL).

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