

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 43

7 S.P. 35

In Senate, January 10, 1985

8 Submitted by the Department of Human Services pursuant to Joint Rule  
24.

9 Reference to the Committee on Human Resources suggested and ordered  
10 printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Andrews of Cumberland.

11 Cosponsored by Representative Boutillier of Lewiston, Representative  
Nelson of Portland and Representative Taylor of Camden.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-FIVE  
16

17 AN ACT to Ensure Consistency Between 2  
18 State Laws Concerning Personal Care  
19 Assistance Services.  
20

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

23 Sec. 1. 22 MRSA §3091-A, sub-§3, as enacted by  
24 PL 1983, c. 541, §1, is amended to read:

25 3. Personal care assistance services. "Personal  
26 care assistance services" means services rendered at  
27 least 5 days a week at the times of day required by  
28 an individual with a severe physical disability for  
29 him to become physically independent in connection  
30 with his capability for or actual employment. These  
31 services include, but are not limited to:

32 A. Routine bodily functions, such as bowel or  
33 bladder care;

34 B. Dressing;

- 1 C. Preparation and consumption of food;
- 2 D. Moving in and out of bed;
- 3 E. Routine bathing;
- 4 F. Ambulation; and
- 5 G. Any other similar function of daily living.

6 Sec. 2. 22 MRSA §3092-A, as enacted by PL 1983,  
7 c. 541, §1, is amended to read:

8 §3092-A. Subsidy

9 The Bureau of Rehabilitation shall subsidize, in  
10 whole or in part, personal care assistance services  
11 ~~in accordance with this chapter~~ for individuals eli-  
12 gible under section 3093-A. The amount of the subsidy  
13 for each hour of personal care assistance services  
14 shall be determined by the director of the bureau as  
15 ~~provided in section 3094-A.~~ The director of the bu-  
16 reau shall establish a sliding scale for financial  
17 participation by individuals who receive subsidies  
18 for personal care assistance services under this  
19 chapter and shall ensure that it is consistent with  
20 the sliding scale established under section 7305.

21 Sec. 3. 22 MRSA §3093-A, sub-§6, as enacted by  
22 PL 1983, c. 541, §1, is amended to read:

23 6. Qualifying income. Has an income which qual-  
24 ifies him ~~under section 3094-A~~ for a personal care  
25 assistance subsidy.

26 STATEMENT OF FACT

27 There are 2 state laws concerning personal care  
28 assistance services for severely physically disabled  
29 individuals. One law, the Revised Statutes, Title  
30 22, section 3091-A, provides subsidies to individuals  
31 who need these services in order to work. The other  
32 law, Title 22, sections 7341 to 7343, provides these  
33 services to individuals who have physical limitations  
34 which impede their ability to live independently or

1 who are at risk of being or who already have been  
2 placed inappropriately in an institutional setting.

3 The purpose of this bill is to provide for  
4 greater consistency between the 2 laws. In particu-  
5 lar, the bill ensures that personal care assistance  
6 services under both laws may be provided during days  
7 and nights, Title 22, section 3091-A, subsection 3,  
8 specified days only and will be subject to the same  
9 provisions for financial participation by the recipi-  
10 ents of the services.

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