

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1297

H.P. 968 House of Representatives, April 21, 1987
Reference to the Committee on Human Resources suggested
and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative SMITH of Island Falls.
Cosponsored by Representatives STEVENS of Bangor, MANNING
of Portland, and President PRAY of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT to Recognize Maine Area Agencies on
Aging.

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

Sec. 1. 22 MRSA §5114, sub-§1, as amended by PL
1981, c. 470, Pt. A, §112, is further amended to
read:

1. Coordinated community program. "Coordinated
community program" means a system for providing all
necessary ~~social~~ supportive services, including nu-
trition services, in a manner designed to:

A. Facilitate accessibility to and utilization
of all ~~social~~ supportive services and nutrition
services provided within the geographic area

1 served by such system by any public or private
2 agency or organization;

3 B. Develop and make the most efficient use of
4 social supportive services and nutrition services
5 in meeting the needs of older persons; and

6 C. Use available resources efficiently and with
7 a minimum of duplication.

8 **Sec. 2. 22 MRSa §5115, as enacted by PL 1973, c.**
9 **630, §1, is amended to read:**

10 §5115. Coordinated community programs

11 Coordinated community programs are authorized to
12 be provided by the office through grants to each area
13 agency on aging with a plan approved under section
14 ~~5118 for paying part of the cost, pursuant to the~~
15 ~~last 2 paragraphs of this section, of the preparation,~~
16 ~~development and administration of a plan by each area~~
17 ~~agency designated pursuant to section 5116, subse-~~
18 ~~ction 1, paragraph B for a coordinated community pro-~~
19 ~~gram consistent with section 5118 and the evaluation~~
20 ~~of activities carried out under such plan, and the~~
21 ~~development and provision of coordinated community~~
22 ~~programs for the delivery of social services.~~

23 From the sums appropriated for any fiscal year,
24 each area agency on aging shall be allotted an amount
25 ~~which bears the same ratio to such sum as the popula-~~
26 ~~tion aged 60 or over in such geographical boundaries~~
27 ~~of the area served by the area agency bears to the~~
28 ~~population aged 60 or over in the entire State takes~~
29 ~~into consideration the population age 60 years and~~
30 ~~older in the geographical boundaries of the region.~~
31 Other factors that may be considered in allocation of
32 funding may include the incidence of need for sup-
33 portive services and nutrition services, the distri-
34 bution of older persons who have low incomes residing
35 in these areas, the distribution of resources availa-
36 ble to provide these services and any other relevant
37 factors.

38 The number of persons aged 60 or over in the geo-
39 graphical boundaries of the area served by any area
40 agency on aging and in the entire State shall be de-

1 terminated by the director on the basis of the most re-
2 cent and satisfactory data available to him.

3 Whenever the director determines that any amount
4 allotted to an area agency on aging for a fiscal year
5 under this section will not be used by such agency
6 for carrying out the purpose for which the allotment
7 was made, he shall make such amount available for
8 carrying out such purpose to one or more other area
9 agencies on aging to the extent he determines such
10 other area agencies on aging will be able to use such
11 additional amount for carrying out such purpose. Any
12 amount made available to an area agency on aging from
13 an appropriation for a fiscal year pursuant to the
14 preceding sentence shall, for purposes of this sec-
15 tion, be regarded as part of such agency's allotment,
16 as determined under the preceding provisions of this
17 section for such year.

18 ~~From such agency's allotment under this section~~
19 ~~for a fiscal year, such amount as the state agency~~
20 ~~determines, but not more than 15% thereof, shall be~~
21 ~~available for paying such percentage as the state~~
22 ~~agency determines, but not more than 75% of the cost~~
23 ~~of administration of area plans, and such amount as~~
24 ~~the state agency determines, but not more than 20%~~
25 ~~thereof, shall be available for paying such percent-~~
26 ~~age as the state agency determines, but not more than~~
27 ~~50% of the cost of social services which are not~~
28 ~~provided as a part of a coordinated community program~~
29 ~~in program areas for which there is an area plan ap-~~
30 ~~proved by the state agency.~~

31 ~~The remainder of such allotment shall be availa-~~
32 ~~ble to the area agency only for paying such percent-~~
33 ~~age as the state agency determines, but not more than~~
34 ~~75% of the cost of social services provided in the~~
35 ~~area as a part of a coordinated community program in~~
36 ~~a service area in which there is an area plan ap-~~
37 ~~proved by the state agency.~~

38 Sec. 3. 22 MRSA §5116, sub-§1, as enacted by PL
39 1973, c. 630, §1, is amended to read:

40 1. Organization. In order for an area of the
41 State to be eligible to participate in the program of
42 grants to area agencies on aging from allotments un-
43 der section 5115:

1 A. The State shall be divided into distinct co-
2 ordinated community program areas, hereinafter in
3 this chapter referred to as an area, after con-
4 sidering the geographical distribution of indi-
5 viduals aged 60 and older in the area, the inci-
6 dence of the need for social services, including
7 the number of older persons with low incomes re-
8 siding in such areas, the distribution of re-
9 sources available to provide such services and
10 the location of units of general purpose county
11 and municipal government within the State; and

12 B. The State state agency shall, in accordance
13 with regulations of the director, designate an
14 the area agency on aging as the sole area agency
15 to:

16 (1) Develop the area plan to be submitted
17 to the director for approval under section
18 ~~5118~~ 5118-A;

19 (2) Administer the area plan within such
20 area;

21 (3) Be primarily responsible for the coor-
22 dination of all area activities related to
23 the purposes of this Act; and

24 (4) Review and comment on, under its own
25 initiative or at the request of any state or
26 federal department or agency, any applica-
27 tion from any agency or organization within
28 such area to such state or federal depart-
29 ment or agency for assistance related to
30 meeting the needs of older persons; and

31 (5) Develop and provide, or assure the pro-
32 vision of, coordinated community programs
33 for the delivery of social services; and

34 C. The area agency on aging designated pursuant
35 to paragraph B shall:

36 (1) Determine which portions of its area
37 will be included in the area plan to be de-
38 veloped in accordance with section ~~5118~~
39 5118-A; and

1 (2) Provide assurances satisfactory to the
2 director that the area agency will take into
3 account, in connection with matters of gen-
4 eral policy arising in the development and
5 administration of the area plan for any fis-
6 cal year, the recommendations of older peo-
7 ple in need of or served by social services
8 provided under such plan.

9 Sec. 4. 22 MRSA §5117, as enacted by PL 1973, c.
10 630, §1, is repealed.

11 Sec. 5. 22 MRSA §5117-A is enacted to read:
12 §5117-A. Area organization

13 1. Incorporation. Area agencies on aging shall
14 be incorporated in accordance with Title 13-B and
15 shall possess all powers of a corporation established
16 in Title 13-B.

17 2. Designation of area agencies. The state
18 agency shall designate 5 area agencies on aging, the
19 same as existed on October 1, 1986. The state agency
20 shall continue the designation until an area agency
21 on aging's designation is removed for just cause or
22 until the agency voluntarily withdraws as an area
23 agency on aging.

24 Sec. 6. 22 MRSA §5118, as amended by PL 1981, c.
25 470, Pt. A, §§113 to 117, is repealed.

26 Sec. 7. 22 MRSA §5118-A is enacted to read:
27 §5118-A. Area plans

28 1. Plans. In order to be approved for funding by
29 the state agency, an area plan shall be developed by
30 the area agency on aging. Each plan shall:

31 A. Provide, through a comprehensive and coordi-
32 nated system, for supportive services, nutrition
33 services and, when appropriate, for the estab-
34 lishment, maintenance or construction of multi-
35 purpose senior centers, within the planning and
36 service area covered by the plan, including de-
37 termining the extent of need for supportive ser-

1 vices, nutrition services and multipurpose senior
2 centers in such area, taking into consideration,
3 among other things, the number of older individu-
4 als with low incomes residing in such area and
5 the efforts of voluntary organizations in the
6 community, evaluating the effectiveness of the
7 use of resources in meeting the need and entering
8 into agreements with providers of supportive ser-
9 vices, nutrition services or multipurpose senior
10 centers in the area, for the provision of the
11 services or centers to meet the need;

12 B. Provide assurances that an adequate propor-
13 tion of the amount allotted to the area agency on
14 aging will be expended for the delivery of each
15 of the following categories of services:

16 (1) Services associated with access to ser-
17 vices, transportation, outreach, information
18 and referral;

19 (2) In-home services, homemaker, home
20 health aide, personal care, visiting and
21 telephone reassurance, chore or maintenance
22 and supportive services for families of el-
23 derly victims of Alzheimer's disease and
24 other neurological and organic brain disor-
25 ders of the Alzheimer's type; and

26 (3) Legal assistance;

27 C. Designate, when feasible, a focal point for
28 comprehensive service delivery in each community,
29 giving special consideration to designating mul-
30 tipurpose senior centers as such focal point;

31 D. Provide for the establishment and maintenance
32 of information and referral services in suffi-
33 cient numbers to assure that all older individu-
34 als within the planning and service area covered
35 by the plan will have reasonably convenient ac-
36 cess to the service;

37 E. Provide assurances that preference will be
38 given to providing services to older individuals
39 with the greatest economic or social needs.
40 "Greatest economic need" means the need resulting

1 from an income level at or below the poverty
2 threshold established by the United States Bureau
3 of the Census and "greatest social need" means
4 the need caused by noneconomic factors which in-
5 clude physical and mental disabilities, language
6 barriers, cultural or social isolation, including
7 that caused by racial or ethnic status which re-
8 stricts an individual's ability to perform normal
9 daily tasks or which threaten his capacity to
10 live independently, with particular attention to
11 low-income minority individuals, and including
12 proposed methods of carrying out the preference
13 in the area plan; and to assure the use of
14 outreach efforts that will identify individuals
15 eligible for assistance with special emphasis on
16 rural elderly and to inform such individuals of
17 the availability of such assistance; and

18 F. Provide that the area agency on aging shall:

19 (1) Conduct periodic evaluations of activi-
20 ties carried out under the area plan;

21 (2) Furnish appropriate technical assist-
22 ance to providers of supportive services,
23 nutrition services or multipurpose senior
24 centers in the planning and service area;

25 (3) Take into account, in connection with
26 matters of general policy arising in the de-
27 velopment and administration of the area
28 plan, the views of recipients of services
29 under the plan;

30 (4) Serve as the advocate and focal point
31 for the elderly within the community by mon-
32 itoring, evaluating and commenting on all
33 policies, programs, hearings, levies and
34 community actions which will affect the el-
35 derly;

36 (5) When possible, enter into arrangements
37 with organizations providing day care ser-
38 vices for children so as to provide opportu-
39 nities for older individuals to aid or as-
40 sist on a voluntary basis in the delivery of
41 such services to children;

1 (6) Establish an advisory council consist-
2 ing of older individuals, including minority
3 individuals, who are participants or who are
4 eligible to participate in programs assisted
5 under the United States Older American's
6 Act, representatives of older people, local
7 elected officials and the general public to
8 advise continuously the area agency on all
9 matters relating to the development of the
10 area plan, the administration of the plan
11 and operations conducted under the plan;

12 (7) Develop and publish methods by which
13 priority of service is determined;

14 (8) Establish effective and efficient pro-
15 cedures for coordination between the pro-
16 grams assisted under the United States Older
17 American's Act funds and the following fed-
18 erally assisted programs:

19 (a) The United States Job Training
20 Partnership Act;

21 (b) The United States Domestic Volun-
22 teer Service Act of 1973, Title II;

23 (c) The United States Social Security
24 Act, Titles XVI, XVIII, XIX and XX;

25 (d) The United States National Housing
26 Act, Sections 231 and 232;

27 (e) The United States Housing Act of
28 1937;

29 (f) The United States Housing Act of
30 1959, Section 202;

31 (g) The United States Housing and Com-
32 munity Development Act of 1974, Title
33 I;

34 (h) The United States Higher Education
35 Act of 1965, Title I, and the Adult Ed-
36 ucation Act;

- 1 (i) The United States Urban Mass
2 Transportation Act of 1964, Sections 3,
3 9 and 16;
- 4 (j) The United States Public Health
5 Service Act;
- 6 (k) The United States Low-Income Home
7 Energy Assistance Act of 1981;
- 8 (l) The United States Energy Conserva-
9 tion in Existing Buildings Act of 1976,
10 Part A, relating to weatherization as-
11 istance for low-income persons;
- 12 (m) The United States Community Ser-
13 vices Block Grant Act; and
- 14 (n) Demographic statistics and analy-
15 sis programs conducted by the Bureau of
16 the Census under the United States
17 Code, Title 13;
- 18 (9) Conduct efforts to facilitate the coor-
19 ordination of community-based, long-term care
20 services designed to retain individuals in
21 their homes, thereby deferring unnecessary,
22 costly institutionalization and designed to
23 emphasize the development of client-centered
24 care management systems as a component of
25 the services;
- 26 (10) Identify the public and private non-
27 profit entities involved in the prevention,
28 identification and treatment of the abuse,
29 neglect and exploitation of older individu-
30 als and, based on the identification, deter-
31 mine the extent to which the need for appro-
32 priate services for the individuals is
33 unmet; and
- 34 (11) Facilitate the involvement of long-
35 term care providers in the coordination of
36 community-based long-term care services and
37 work to ensure community awareness of and
38 involvement in addressing the needs of resi-
39 dents of long-term care facilities.

