

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2327

H.P. 1694 House of Representatives, February 22, 1988
Reported by Representative MELENDY for the Maine
Commission on the Role of State Government in Providing
Independent Living Opportunities and Services to Disabled
Persons pursuant to Resolve 1987, Chapter 62.

Reference to the Committee on Appropriations and
Financial Affairs suggested and printing ordered under Joint
Rule 18.

EDWIN H. PERT, Clerk

STATE OF MAINE

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

1 **AN ACT to Promote the Creation and**
2 **Expansion of Independent Living**
3 **Opportunities for Maine's Citizens with**
4 **Disabilities.**
5

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

8 Sec. 1. 5 MRSA c. 331 is enacted to read:

1 B. Other community planning and development
2 assistance programs of the State Planning
3 Office; and

4 Sec. 2. 5 MRSA §13056, sub-§7, as enacted by PL
5 1987, c. 534, Pt. A, §§17 and 19, is amended to read:

6 7. Contract for services. When contracting for
7 services, the department, to the maximum extent
8 feasible, shall seek to use the State's private
9 sector resources in conducting studies, providing
10 services and preparing publications; and

11 Sec. 3. 5 MRSA §13056, sub-§8 is enacted to
12 read:

13 8. Enhance economic opportunities. In close
14 cooperation with the Department of Labor, work with
15 and inform the State's business entities, job training
16 organizations and labor recruitment organizations
17 about the employment benefit plans as defined in Title
18 22, section 3173-E and Title 24-A, section 2804-A, in
19 order to utilize economic opportunities in this
20 State. The office, in close cooperation with the
21 Department of Labor, shall also work closely with
22 other state agencies to facilitate the implementation
23 of these plans and to monitor the operation, costs and
24 impact of these plans upon the State's growth and
25 development, labor supply and job opportunities.

26 A. The office shall report its findings with
27 respect to the impact of these plans to the joint
28 standing committee of the Legislature having
29 jurisdiction over economic development no later
30 than February 1st of each year.

31 Sec. 4. 22 MRSA §3173-E, is enacted to read:

32 §3173-E. Extension of medical insurance benefits for
33 specific employment purposes

34 Any eligible Medicaid recipient who participates
35 in a job training program shall be eligible to
36 continue to receive medical insurance benefits for

1 that recipient and that recipient's dependents
2 throughout the job training program as long as the
3 recipient would otherwise remain eligible for these
4 benefits. In addition, any eligible Medicaid
5 recipient who is accepted for employment in a position
6 for which there are no medical insurance benefits for
7 a probationary or temporary period of time shall
8 continue to receive medical insurance benefits for
9 that recipient and that recipient's dependents
10 throughout this probationary or temporary period of
11 time.

12 1. Employment with no or limited medical
13 insurance benefits. In the event that an eligible
14 Medicaid recipient is accepted for employment with an
15 employer who provides no or limited medical insurance
16 benefits to employees and the wages or salaries
17 offered by the employer are insufficient as determined
18 by the commissioner to enable the employee to purchase
19 medical insurance benefits for the employee or that
20 employee's dependents, the employee shall continue to
21 receive medical insurance benefits for the employee
22 and the employee's dependents paid in whole or in part
23 by the program in this chapter.

24 A. The commissioner shall adopt rules in
25 accordance with the Maine Administrative Procedure
26 Act, Title 5, chapter 375, that establish
27 standards by which eligibility for the medical
28 insurance benefits is determined.

29 B. The commissioner may require the recipient to
30 contribute toward the payment of these medical
31 insurance benefits as determined by the household
32 income of the recipient and according to standards
33 established pursuant to paragraph A.

34 Sec. 5. 24-A MRS §2804-A, is enacted to read:

35 §2804-A. Special employee group

36 A group of individuals may be insured under a
37 policy pursuant to a contract between the
38 Superintendent of Insurance and an insurance company.

1 subject to this chapter, to carry out the purposes of
2 this chapter;

3 9. Publications. Issue such publications and
4 such results of investigations and research as in its
5 judgment will tend to promote independent living;

6 10. Reports. At least once a year, report to the
7 Legislature and the Governor describing the current
8 issues related to independent living and make
9 recommendations for any further legislation or
10 executive action concerning independent living; and

11 11. Other acts. Do such other things as are set
12 out in the other subchapters and everything reasonably
13 necessary to perform its duties under this chapter.

14 §4007. Central information system

15 The commission shall coordinate a central
16 information system.

17 1. Central information system. The commission
18 shall provide for a central information system. The
19 commission, in selecting and purchasing the system,
20 shall consider the needs of the system.

21 2. Single-entry point of information. The
22 commission shall oversee the creation of a
23 single-entry point of information. The program shall
24 enable a person who has filled out a questionnaire to
25 then determine the services to which that person is
26 entitled.

27 §4008. Insurance oversight

28 1. Medicaid buy-in program. The commission in
29 conjunction with the Bureau of Medical Services shall
30 create and oversee a Medicaid buy-in program. The
31 commission shall at all times ensure that persons with
32 disabilities have access to affordable and adequate
33 health care.

34 §4009. Adaptive Equipment Loan Program

1 The commission shall work closely with the Finance
2 Authority of Maine to make loans available to persons
3 with disabilities. The commission shall be assisted
4 by the Adaptive Equipment Loan Program Fund Board, as
5 created in Title 10, chapter 11.

6 \$4010. Housing initiatives

7 The commission shall encourage and support housing
8 initiatives for disabled persons.

9 1. Program established. The commissioner shall
10 work with the Maine State Housing Authority to
11 establish a program on housing initiatives on a
12 permanent basis.

13 2. Construct accessible housing. The Maine State
14 Housing Authority shall create guidelines to encourage
15 the construction of housing which is accessible to
16 disabled persons.

17 3. Assistance in remodeling homes. The
18 commission shall enlist the aid of the Maine
19 Vocational-Technical Institute System in assisting
20 disabled persons to modify their homes.

21 \$4011. Personal assistance service

22 The commission shall ensure that sufficient
23 personal assistance services exist. In carrying out
24 this duty, the commission shall:

25 1. Expand the home-based care laws. Consider ways
26 in which to expand the home-based care laws and report
27 its findings along with any necessary legislation to
28 the Legislature on a regular basis;

29 2. Investigate comparable legislation.
30 Investigate other states' comparable legislation;

31 3. Work with Human Resource Development Council.
32 Work with the Human Resource Development Council to
33 study and implement strategies; and

34 4. Care for mentally ill. Ensure that there

1 exists sufficient personnel and funding so that
2 persons with mental illness may receive sufficient
3 personal care assistance.

4 Sec. 2. 5 MRSA §12004, sub-§8, ¶A, sub-¶
5 (14-A) is enacted to read:

6	<u>(14-A)</u>	<u>Human</u>	<u>Maine Commis-</u>	<u>Expenses</u>	<u>5 MRSA</u>
7		<u>Services</u>	<u>sion on</u>	<u>Only</u>	<u>\$4001</u>
8			<u>Independent</u>		
9			<u>Living</u>		

10 Sec. 3. 22 MRSA §7305, sub-§2, ¶A is enacted to
11 read:

12 A. Persons serving as personal care assistants
13 shall be reimbursed not less than \$6 per hour
14 during the day and \$10 per night.

15 Sec. 4. 22 MRSA §7342, sub-§2, as enacted by PL
16 1981, c. 511, §1, is amended to read:

17 2. Need for services. Has a need for not less
18 than ~~14~~ nor more than 35 10 hours a week of
19 personal care assistance services or for an attendant
20 at night, which services are necessary to prevent or
21 remove the adult from inappropriate placement in an
22 institutional setting; and

23 Sec. 5. Commission to review statutes. The
24 Maine Commission on Independant Living shall review
25 the Maine Revised Statutes and consider better ways to
26 reorganize the laws pertaining to disabled persons.
27 If a consolidation of this Title and Title 25 is
28 warranted, the commission shall submit proper
29 legislation enabling such a recodification to the
30 Legislature. The commission shall make its
31 recommendations to the Second Regular Session of the
32 114th Legislature by January 15, 1990.

33 Sec. 6. Appropriation. The following funds
34 are appropriated from the General Fund to carry out
35 the purposes of this Act.

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1988-89

MAINE COMMISSION
ON INDEPENDENT LIVING

Capital Expenditures \$ 30,000

These funds will be used for start-up of a central information system.

All Other 1,920,000

These funds will provide \$35,000 for creation of a single-entry point for services; \$35,000 for consolidation of architectural barrier laws; \$600,000 to create a Medicaid buy-in program; \$250,000 for extension of personal care assistance services to persons with mental illness; and \$1,000,000 to make comprehensive personal assistance available.

Total \$1,950,000

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STATEMENT OF FACT

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This bill represents initiatives which, if implemented collectively, will assist citizens with disabilities to enhance their ability to live independently in the community and become as self-sufficient as possible.

1 Section 1 establishes the Maine Commission on
2 Independent Living as a permanent independent
3 commission, making funds available as needed for the
4 purpose of examining major policy issues affecting
5 disabled citizens. The commission will direct the
6 establishment of a community-based central information
7 system controlled and operated by citizens with
8 disabilities or an organization governed by a majority
9 of citizens with disabilities. An amount of \$30,000
10 is appropriated as start-up funds for the central
11 information system.

12 There are at least 35 federal and state-supported
13 programs available to assist citizens with
14 disabilities. Many disabled citizens do not acquire
15 the full range of benefits to which they are entitled
16 due to the many applications which must be completed.
17 Programs that should serve as paths toward well-being
18 and independence, in many cases, wind up being
19 obstacles too great for the average disabled consumer
20 to overcome. To remedy this situation, the commission
21 will direct the creation of a single-entry point
22 application process in conjunction with the department
23 heads that oversee those programs which will enable
24 disabled individuals to apply for the full range of
25 supports and services available to them from one
26 location in their communities. The commission will be
27 responsible for coordinating this effort and will be
28 supported with adequate resources to accomplish this
29 goal.

30 Many persons with disabilities and chronic illness
31 are denied affordable health insurance because of
32 their preexisting conditions. Many of these
33 individuals are also unable to take advantage of
34 employment opportunities due to Social Security
35 regulations which deny eligibility for Medicare and
36 Medicaid to persons with the ability to work.
37 Consequently, the commission will work in conjunction
38 with the director of the Bureau of Medical Services to
39 create a Medicaid buy-in program to enable working
40 disabled people to receive Medicaid coverage on a
41 sliding fee basis.

42 There is an acute shortage of affordable,
43 integrated accessible housing for Maine's citizens

1 with disabilities resulting in barriers to
2 independent living, education, employment and
3 community opportunity. The commission will work with
4 the Maine State Housing Authority to ensure that state
5 housing initiatives will be tailored to stimulate the
6 development of more housing that incorporates
7 adaptable design criteria, promote independence and be
8 fully integrated in residential neighborhoods.

9 Understanding the laws for making buildings
10 accessible is difficult because of overlapping laws.
11 Enforcement is uneven and remedial actions are rarely
12 taken when violations are discovered. Section 504
13 coordinator position is not housed in the agency that
14 normally responds to claims of discrimination. As a
15 result, the commission shall investigate the
16 consolidation of the Maine Revised Statutes, Titles 5
17 and 25, into one Title, and shall make
18 recommendations so that those Titles read in a
19 consistent fashion and are more uniformly applicable.
20 Greater consistency in the law will place
21 responsibility for ensuring compliance with the laws
22 at the local level, and will provide penalties for
23 failure to take corrective action, provide funds to
24 the Maine Human Rights Commission for oversight of
25 section 504 compliance. This would consolidate
26 enforcement of all handicapped discrimination
27 complaints within one agency.

28 The lack of attendant services affects 1 1/2% of
29 the population or 16,500 individuals in Maine from
30 being as independent or productive as possible.
31 Piecemeal attempts to address isolated aspects of the
32 program rather than a comprehensive approach, prohibit
33 individuals from acquiring personal care attendant
34 services. Therefore, laws should be expanded to make
35 personal services available to elderly and physically
36 disabled persons whose needs are currently unmet.

37 The commission will consider a companion bill to
38 the home-based care law which should be implemented to
39 address the home-based care needs of persons with
40 mental illness or mental retardation who could live
41 more independently if a broader range of support
42 services were available. The commission will also

1 encourage the Bureau of Medical Services to adopt
2 personal assistance services immediately as part of
3 the state Medicaid plan. These services will cost an
4 estimated \$1,000,000 to address the current unmet
5 personal services needs of many Maine citizens, and
6 address the current personal care attendant labor
7 shortage and implement strategies to increase the
8 number of attendants, including developing competitive
9 wages and benefit compensation. Additional funding
10 would be needed annually thereafter to provide
11 services to other persons. A formula will be
12 developed by the commission to define precise future
13 funding needs.

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