

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1427

S.P. 520

In Senate, May 2, 1989

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

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator HOLLOWAY of Lincoln.

Cosponsored by Senator GAUVREAU of Androscoggin and Representative DELLERT of Gardiner.

STATE OF MAINE

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

An Act to Combine and Coordinate Services to Maine's Elderly with Services to Other Adults in a Single Bureau of the Department of Human Services.



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

3 **Sec. 1. 22 MRSA §1, 3rd ¶,** as amended by PL 1985, c. 785, Pt.
5 B, §82, is further amended to read:

7 The commissioner may employ any bureau and division heads,
9 deputies, assistants and employees who may be necessary to carry
11 out the work of the department. All personnel of the department
13 shall be under the immediate supervision, direction and control
15 of the commissioner. These personnel shall be employed subject to
17 the Civil Service Law, except the: Deputy Commissioner; Director,
Bureau of Social Services; Director, Bureau of ~~Maine's-Elderly~~
Aging and Adult Services; Director, Bureau of Health; Director,
Bureau of Rehabilitation; Director, Bureau of Income Maintenance;
Director, State Health Planning and Development Agency; Director,
Bureau of Medical Services; and Assistant Deputy Commissioners.

19 **Sec. 2. 22 MRSA §1, 4th ¶,** as repealed and replaced by PL
1977, c. 674, §19, is amended to read:

21 The Director, Bureau of Resource Development and the
23 Director, Bureau of ~~Maine's-Elderly~~ Aging and Adult Services,
25 shall be appointed by the commissioner, after consultation with
27 the Maine Committee on Aging and the Maine Human Services
29 Council. Each of these directors shall be appointed and serve in
the unclassified service at the pleasure of the commissioner. Any
vacancy in each of these positions shall be filled by appointment
as in this paragraph for a like term.

31 **Sec. 3. 22 MRSA §3472, sub-§2-A** is enacted to read:

33 2-A. Bureau. "Bureau" means the Bureau of Aging and Adult
Services of the Department of Human Services.

35 **Sec. 4. 22 MRSA §3472, sub-§§4 and 5,** as enacted by PL 1981, c.
37 527, §2, are amended to read:

39 **4. Commissioner.** "Commissioner" means the Commissioner of
Human Services or his a designated representative in the
41 geographical area in which the person resides or is present or,
in the case of mentally retarded adults, the Commissioner of
43 Mental Health and Mental Retardation or his a designated
representative in the geographical area in which the person
45 resides or is present.

47 **5. Department.** "Department" means either the Department of
Human Services and through its Bureau of Aging and Adult Services
49 or, in the case of mentally retarded adults, the Commissioner of
Mental Health and Mental Retardation.

51 **Sec. 5. 22 MRSA §3472, sub-§10,** as enacted by PL 1981, c. 527,
§2, is amended to read:

1
3 10. Incapacitated adult. "Incapacitated adult" means any
5 adult who is impaired by reason of mental illness, mental
7 deficiency, physical illness or disability to the extent that he
9 that individual lacks sufficient understanding or capacity to
make or communicate responsible decisions concerning his that
individual's person, or to the extent the adult cannot
effectively manage or apply his that individual's estate to
necessary ends.

11 Sec. 6. 22 MRSA Sub-t. 4, Pt. I, first 2 lines, are repealed and the
13 following enacted in their place:

15 PART I

17 SERVICES TO MAINE'S AGING AND ADULTS

19 Sec. 7. 22 MRSA §5104, sub-§§1-A and 1-B are enacted to read:

21 1-A. Adult. "Adult" means any person who has attained the
age of 18 years or who is a legally emancipated minor.

23 1-B. Aging, elderly or older person. "Aging, elderly or
older person" are synonymous terms, and mean any person 60 years
of age or older or any person otherwise described as elderly or
older for the purpose of eligibility for assistance or services
under specific federal or state laws and programs.

29 Sec. 8. 22 MRSA §5104, sub-§2, as amended by PL 1975, c. 293,
§4, is further amended to read:

31 2. Bureau or state agency. "Bureau or state agency" means
33 the Bureau of Maine's-~~Elderly~~ Aging and Adult Services, Maine
35 Department of Human Services.

37 Sec. 9. 22 MRSA §5104, sub-§5-A is enacted to read:

39 5-A. Dependent adult. "Dependent adult" means any adult
who is wholly or partially dependent upon one or more other
persons for care or support, either emotional or physical, and
who would be in danger if that care or support were withdrawn.
For the purpose of this Part only, the term "dependent adult"
excludes any adult who is mentally retarded.

45 Sec. 10. 22 MRSA §5104, sub-§6, as amended by PL 1975, c. 293,
47 §4, is further amended to read:

49 6. Director. "Director" means the Director, Bureau of
51 Maine's-~~Elderly~~ Aging and Adult Services, Department of Human
Services.

1 Sec. 11. 22 MRSA §5104, sub-§7, as enacted by PL 1973, c. 793,
3 §3, is repealed.

5 Sec. 12. 22 MRSA §5104, sub-§7-A is enacted to read:

7 7-A. Incapacitated adult. "Incapacitated adult" means any
9 adult who is impaired by reason of mental illness, mental
11 deficiency, physical illness or disability to the extent that the
13 adult lacks sufficient understanding or capacity to make or
15 communicate responsible decisions concerning that individual's
17 person, or to the extent the adult cannot effectively manage or
19 apply that individual's estate to necessary ends. For the
21 purpose of this Part only, the term "incapacitated adult"
23 excludes any adult who is mentally retarded.

25 Sec. 13. 22 MRSA §5104, sub-§8, as amended by PL 1981, c. 470,
27 Pt. A, §103, is further amended to read:

29 8. Nonprofit organization. "Nonprofit organization" means
31 any agency, institution or organization which is, or is owned and
33 operated by, one or more corporations or associations no part of
35 the net earnings of which inures, or may lawfully inure, to the
37 benefit of any private shareholder or individual and which has a
39 territory of operations that may extend to a neighborhood or
41 community region or the State of Maine.

43 Sec. 14. 22 MRSA, c. 1453, first 2 lines, are repealed and the
45 following enacted in their place:

47 CHAPTER 1453

49 BUREAU OF AGING AND ADULT SERVICES

51 Sec. 15. 22 MRSA §5105, as amended by PL 1985, c. 785, Pt. B,
53 §94, is further amended to read:

55 §5105. Bureau of Aging and Adult Services

57 There shall be within the Department of Human Services the
59 Bureau of ~~Maine's Elderly~~ Aging and Adult Services. It shall be a
61 separate, distinct administrative unit, which shall not be
63 integrated in any way as a part or function of any other
65 administrative unit of the department. It shall be equal in
67 organizational level and status with other major organizational
69 units within the department or its successors. The bureau shall
71 be under the immediate and full supervision, direction and
73 control of the commissioner or the chief officer of whatsoever
75 unit shall succeed the department.

77 It is the intent of this Part that the bureau shall function
79 as a central office administrative unit of the department with
81 the advice of the committee and that the powers, duties,

1 authority and responsibility of the bureau shall not be
2 delegated, decentralized or assigned to regional, local or other
3 units of the department, except as provided in this section and
4 section 5112. Regarding the provision of human services by the
5 bureau directly to eligible people, the bureau may carry out its
6 powers and duties through regional or other administrative units
7 of the department or State Government. Regarding any portion of
8 this Part which relates to development, execution and monitoring
9 of agreements, the bureau shall carry out its powers and duties
10 directly with public and private, nonprofit agencies without
11 acting through other administrative units of the department as
12 intermediaries. Functions relating to agreements, except those
13 funded by Title VI, or their successors or amendments or
14 additions thereto, of the United States Social Security Act, as
15 amended, shall not require the approval of any other unit of the
16 department, except as the bureau is responsible and accountable
17 to the commissioner, and except as the bureau shall function with
18 the advice of the committee pursuant to section 5112, and with
19 the advice of the appropriate agency designated pursuant to
20 section 5116, subsection 1, paragraph B.

21 ~~The bureau shall be the sole agency of State Government~~
22 ~~responsible for administration of this Part, subject to the~~
23 ~~direction of the commissioner. The bureau shall fully coordinate~~
24 ~~with appropriate agencies of State Government and shall fully~~
25 ~~utilize existing support services.~~

26
27
28 The bureau shall be administered by a director who shall be
29 appointed as provided in section 1.

30
31 The director shall be a person qualified by training and
32 experience ~~with the status of Maine's elderly program relating to~~
33 ~~them or by satisfactory experience of a comparable nature in the~~
34 ~~direction, organization and administration of programs affecting~~
35 ~~elder persons to administer programs for Maine's aging and adult~~
36 ~~population.~~ The director shall be immediately and fully
37 responsible to the commissioner and shall not be partially or
38 indirectly responsible to any other official of the department.

39
40 The director shall serve full time ~~in a position that is~~
41 ~~separate from and not integrated in any way with another position~~
42 ~~in the department.~~ He The director shall not concurrently hold
43 another title and shall perform duties solely germane to the
44 powers and duties pursuant to this Part.

45
46 ~~The director shall possess full authority and responsibility~~
47 ~~for administering all the powers and duties of the bureau~~
48 ~~provided in section 5106, with the advice of the committee~~
49 ~~pursuant to section 5112, subject to the direction of the~~
50 ~~commissioner, and except as otherwise provided by statute. The~~
51 ~~director shall assume and discharge all responsibilities vested~~
~~in the bureau. He shall not in any case assign to another unit of~~

1 ~~the department which is not responsible to him any power or duty~~
2 ~~granted to the bureau of statute, or by rules, regulations or~~
3 ~~procedures adopted pursuant to this Part.~~

5 The director may employ, subject to the Civil Service Law
6 and within the limits of available funds, competent professional
7 personnel and other staff necessary to carry out the purposes of
8 this Part. ~~He~~ The director shall prescribe the duties of staff
9 ~~and assign a sufficient number of staff full-time to the bureau~~
10 ~~to achieve its powers and duties.~~ ~~He~~ The director may arrange to
11 house staff or assign staff who are responsible to him the
12 director to an area agency designated pursuant to section 5116,
13 subsection 1, paragraph B. ~~Such staff~~ Staff shall report solely
14 and directly to the director. Staff shall not be housed in or
15 assigned to any other organizational unit of the department,
16 except as provided by this section and sections 5104-A and 5111.
17 Regarding the provision of services directly to eligible people,
18 the director may arrange to house staff or assign staff who are
19 responsible to the director to regional or other units of the
20 department or State Government.

21 **Sec. 16. 22 MRSA §5106**, as amended by PL 1983, c. 523, §1, is
22 further amended to read:

23
24 **§5106. Powers and duties**

25
26 The bureau shall establish, in accordance with the purposes
27 and intent of this Part, with the advice of the committee and
28 subject to the direction of the commissioner, the overall
29 planning, policy, objectives and priorities for all functions and
30 activities ~~relating to Maine's elderly, which are~~ conducted or
31 supported in the State ~~of Maine which relate to Maine's aging~~
32 population and incapacitated and dependent adults. In order to
33 carry out the above, the bureau shall have the power and duty to:
34

35
36 **1. Encourage and assist development.** Encourage and assist
37 development of more coordinated use of existing and new resources
38 and services relating to Maine's elderly, aging population and
39 incapacitated and dependent adults;

40
41 **2. Information system.** Develop and maintain an up-to-date
42 information system related to Maine's elderly aging population
43 and incapacitated and dependent adults. The information shall be
44 available for use by the people of Maine, the political
45 subdivisions, public and private nonprofit agencies and the
46 State. Educational materials shall be prepared, published and
47 disseminated. Objective devices and research methodologies shall
48 be continuously developed. Maintaining statistical information
49 through uniform methods which are reasonably feasible and
50 economically efficient shall be specified for use by public and
51 private agencies, organizations and individuals. Existing sources
of information shall be used to the fullest extent possible,

1 while maintaining confidentiality safeguards of state and federal
2 law. Information may be requested and shall be received from any
3 State Government or public or private agency. To the extent
4 reasonable and feasible, information shall maintain compatibility
5 with federal information sharing standards.

7 Functions of ~~the-elderly~~ this information system shall include,
8 but not be limited to:

9
10 A. Conducting research on the causes and nature of problems
11 relating to ~~elderly-people~~ Maine's aging population and
12 incapacitated and dependent adults;

13
14 B. Collecting, maintaining and disseminating such
15 knowledge, data and statistics related to ~~elderly-persons~~
16 Maine's aging population and incapacitated and dependent
17 adults as will enable the bureau to fulfill its
18 responsibilities;

19
20 C. Determining through a detailed survey the extent of
21 problems relating to ~~elderly---persons~~ Maine's aging
22 population and incapacitated and dependent adults and the
23 needs and priorities for solving such problems in the state
24 and political subdivisions;

25
26 D. Maintaining an inventory of the types and quantity of
27 facilities, programs and services operated under public or
28 private auspices for ~~elderly-people~~ Maine's aging population
29 and incapacitated and dependent adults. This function shall
30 include: The unduplicated count, location and
31 characteristics of people served by each facility, program
32 or service; and the amount, type and source of resources
33 supporting functions related to ~~the-elderly~~ Maine's aging
34 population and incapacitated and dependent adults; and

35
36 E. Conducting a continuous evaluation of the impact,
37 quality and value of facilities, programs and services,
38 including their administrative adequacy and capacity.
39 Activities operated by or with the assistance of the State
40 and Federal Governments shall be evaluated. Activities to be
41 included, but to which the bureau shall not be limited, are
42 those relating to education, employment and vocational
43 services, income, health, housing, transportation,
44 community, social and, rehabilitation, protective services
45 and public guardianship or conservatorship for older people
46 and incapacitated and dependent adults and programs such as
47 the supplemental security income program, Medicare,
48 Medicaid, property tax refunds and the setting of standards
49 for the licensing of nursing, intermediate care and boarding
50 homes. Included shall be activities as authorized by this
51 and so much of the several Acts and amendments to them
52 enacted by the people of the State, and those authorized by
53 United States Acts and amendments to them such as the:

1
3
5
7
9
11
13
15
17
19
21
23
25
27
29
31
33
35
37
39
41
43
45
47
49
51
53

- (1) Elderly Householders Tax and Rent Refund Act of 1971;
- (2) Priority Social Services Act of 1973;
- (3) Chapter 470 of the public laws of 1969 creating the State Housing Authority;
- (4) United States Social Security Act of 1935;
- (5) United States Housing Act of 1937;
- (6) United States Older Americans Act of 1965; and
- (7) United States Age Discrimination Act of 1967;
- (8) Home Based Care Act of 1981;
- (9) Congregate Housing Act of 1979;
- (10) Adult Day Care Services Act of 1983;
- (11) Adult Day Care Licensing Act of 1987;
- (12) Adult Protective Services Act of 1981; and
- (13) The Uniform Probate Code, Title 18-A;

3. **Coordination of efforts.** Assist, with the advice of the committee, the Legislative and Executive Branches of State Government, especially the Governor, Commissioner of Human Services and Bureau of the Budget, to coordinate all State Government efforts relating to elderly--people Maine's aging population and incapacitated and dependent adults, by:

A. Submitting to each branch of State Government no later than September 1st of each year an annual report covering its activities for the immediately past fiscal year and future plans, including recommendations for changes in state and federal laws, and including reports of the committee;

B. Reviewing all proposed legislation, fiscal activities, plans, policies and other administrative functions relating to elder-people Maine's aging population and incapacitated and dependent adults made by or requested of all state agencies. The bureau shall have the authority to submit to those bodies findings, comments and recommendations, which shall be advisory. Such findings and comments shall recommend what modification in proposals or actions shall be taken to make proposed legislation, fiscal activities and administrative activities consistent with such policies and priorities; and

1
3 C. Making recommendations to the respective branches of
State Government related to improving the quality of life of
5 elder-people Maine's aging population and incapacitated and
7 dependent adults and shall consult with and be consulted by
9 all responsible state agencies regarding the policies,
priorities and objectives of functions related to elder
people- Maine's aging population and incapacitated and
dependent adults;

11 4. **Comprehensive state plan.** Prepare and administer a
13 comprehensive state plan relating to elder-people Maine's aging
15 population and incapacitated and dependent adults, developed by
17 the bureau with the advice of the committee and subject to the
19 direction of the commissioner. The comprehensive state plan shall
be implemented for the purpose of coordinating all activities and
of assuring compliance with applicable state and federal laws and
21 regulations ~~and with the state plan~~ relating to elder-people
23 Maine's aging population and incapacitated and dependent adults.
Implementation of this duty shall mean that the bureau shall have
25 the authority, through a review process, to advise on the
27 preparation and administration of any portion of any state plan
relating to elder-people Maine's aging population and
29 incapacitated and dependent adults, prepared and administered by
any agency of State Government for submission to the Federal
Government to obtain federal funding under federal legislation.
Such state plans, or portions thereof, shall include, but not be
31 limited to, all state plans dealing with education, employment
and vocational services, income, health, housing, protective
33 services, public guardianship and conservatorship,
rehabilitation, social services, transportation and welfare. The
bureau shall advise the commissioner and Governor on preparation
of and provisions to be included in such plans relating to elder
35 people- Maine's aging population and incapacitated and dependent
adults;

37 5. **Programs.** Plan, establish and maintain necessary or
desirable programs for individuals or groups of individuals. The
39 bureau may use the full range of its powers and duties to serve
41 elder-persons Maine's aging population and incapacitated and
dependent adults through indirect services provided by agreement
and through direct services provided by state employees-;

43 6. **Organizational unit.** Function as the organizational unit
45 of State Government with sole responsibility for conducting and
coordinating, with the advice of the committee and subject to the
47 direction of the commissioner, programs authorized by this Part
and so much of the several Acts, amendments and successors to
49 them enacted by the people of the State and those authorized by
the United States Acts, amendments and successors to them as
51 relate to elder-people Maine's aging population and incapacitated
and dependent adults;

1
3
5
7
9
11
13
15
17
19
21
23
25
27
29
31
33
35
37
39
41
43
45
47
49
51

- A. The 1973 Act of Maine's Elderly;
- B. The Priority Social Service Act of 1973, including only meals for older people, transportation for older people and coordinated elderly programs; and
- C. The United States Older Americans Act of 1965; and
- D. Adult Protective Services Act of 1981.

The bureau is designated as the single agency of State Government solely responsible for administering, subject to the direction of the commissioner, any state plans as may be required by the above Acts, and for administering programs of Acts of the State or United States relating to elder-people Maine's aging population and incapacitated and dependent adults which are not the specific responsibility of another state agency under state or federal law;

7. Mobilize resources. Help communities mobilize their resources to benefit elder-people Maine's aging population and incapacitated and dependent adults. The bureau shall provide or coordinate the provision of information, technical assistance and consultation to state, regional and local governments, and to public and private nonprofit agencies, institutions, organizations and individuals. The help shall be for the purpose of encouraging, developing and assisting with the initiation, establishment and administration of any plans, programs or services with a view to the establishment of a state-wide statewide network of comprehensive, coordinated services and opportunities for elder-people Maine's aging population and incapacitated and dependent adults. Included in this duty is authority to coordinate the efforts and enlist the assistance of all public and private agencies, organizations and individuals interested in Maine's elderly. ~~The support and assistance of interested persons in the community, particularly older people, shall be utilized to encourage older people to lead a life of value~~ aging population and incapacitated and dependent adults;

8. Funds. Seek and receive funds from the Federal Government and private sources to further its activities. Included in this function is authority to solicit, accept, administer, disburse and coordinate for the State in accordance with the intent, objectives and purposes of this Part; and within any limitation which may apply from the sources of such funds, the efforts to obtain and the use of any funds from any source to benefit elder-people Maine's aging population and incapacitated and dependent adults. Any gift of money or property made by will or otherwise, and any grant or other funds appropriated, services or property available from the Federal Government, the State or any political subdivision thereof and from all other sources, public or private, may be accepted and administered. The bureau

1 may do all things necessary to cooperate with the Federal
2 Government or any of its agencies in making application for any
3 funds. Included in this duty is authority to advise regarding the
4 disbursement of all state funds, or funds administered through
5 agencies of State Government, appropriated or made available to
6 benefit Maine's elderly, aging population and incapacitated and
7 dependent adults;

9 9. **Agreements.** Enter into agreements necessary or
10 incidental to the performance of its duties. Included is the
11 power to make agreements with qualified community, regional and
12 state level, private nonprofit and public agencies, organizations
13 and individuals in this and other states to develop or provide
14 facilities, programs and services for elder-people Maine's aging
15 population and incapacitated and dependent adults. Agreements
16 with such agencies, organizations and individuals shall be
17 executed only with agencies reviewed by the committee pursuant to
18 section 5112, subsection 4, and the area agency pursuant to
19 section 5116, subsection 1, paragraph B. The bureau may engage
20 expert advisors and assistants, who may serve without
21 compensation or may be compensated to the extent funds may be
22 available by appropriation, grant or allocation from a state
23 department. The bureau may pay for such expert advisors or
24 assistants.;

25 10. **Rules and regulations.** Prepare, adopt, amend, rescind
26 and administer, with the advice of the committee and subject to
27 the direction of the commissioner, policies, priorities,
28 procedures, rules and regulations to govern its affairs and the
29 development and operation of facilities, programs and services.
30 The bureau may adopt rules to carry out the powers and duties
31 pursuant to this Part and in accordance with the purpose and
32 objectives of this Part. It shall especially adopt such rules and
33 regulations as may be necessary to define contractual terms,
34 conditions of agreements and all other rules as are necessary for
35 the proper administration of this Part. Such adoption, amendment
36 and rescission shall be made as provided under the Maine
37 Administrative Procedure Act, Title 5, chapter 375;

38 11. **Educational program.** Develop and implement, as an
39 integral part of programs, an educational program. Assist in the
40 development of, and cooperation with, educational programs for
41 employees of state and local governments and businesses and
42 industries in the State. Convene and conduct conferences of
43 public and private nonprofit organizations concerned with the
44 development and operation of programs for elder-people Maine's
45 aging population and incapacitated and dependent adults. Included
46 shall be the power to sponsor in cooperation with the committee
47 the Blaine House Conference on Aging.;

48 11-A. **Elderly Legal Services Program.** Support and maintain
49 an Elderly Legal Services Program, by agreement with such

1 nonprofit organization as the Bureau of Maine's-Elderly Aging and
3 Adult Services finds best able to provide direct services to
those of Maine's elderly in greatest economic and social need
throughout the State.;

5
7 11-B. Adult protective services. Administer a program of
8 protective services designed to protect incapacitated and
9 dependent adults, other than adults who are mentally retarded,
10 from abuse, neglect, exploitation and physical danger. The
11 program is described in the Adult Protective Services Act,
sections 3471 to 3492;

13 12. Training programs. Foster, develop, organize, conduct
14 or provide for the conduct of training programs for persons in
15 the field of serving elder-people, Maine's aging population and
16 incapacitated and dependent adults;

17 13. Coordinate activities. Coordinate activities and
18 cooperate with programs in this and other states for the common
19 advancement of programs for elder--people, Maine's aging
20 population and incapacitated and dependent adults;

23 14. Establish and maintain an office. Establish and
24 maintain an office ~~at-the-department's-general-headquarters;~~ and

25 15. Duties. Do such other acts and exercise such other
26 powers necessary or convenient to execute and carry out the
27 purposes and authority expressly granted in this Part.

29 Sec. 17. 22 MRSA §5153, first ¶, as repealed and replaced by PL
31 1983, c. 695, §3, is amended to read:

33 The Department of Human Services, Bureau of Maine's-Elderly
34 Aging and Adult Services, with advice from the Maine Committee on
35 Aging, the Maine State Housing Authority, the Farmers' Home
36 Administration or other housing agency financing the congregate
37 housing facility, shall administer state funded congregate
38 housing services programs for the elderly. Administration shall
39 include, but not be limited to:

41 Sec. 18. 22 MRSA §5154, first ¶, as enacted by PL 1983, c. 695,
42 §4, is amended to read:

43 The Department of Human Services, Bureau of Maine's-Elderly
44 Aging and Adult Services, may promulgate and adopt rules for a
45 voluntary certification program for all congregate housing
46 services programs operating in the State, regardless of their
47 funding source. The rules shall include:

49 Sec. 19. 22 MRSA §5304, sub-§3, as amended by PL 1975, c. 293,
51 §4, is further amended to read:

1 3. Bureau of Aging and Adult Services. "Bureau of Maine's
2 Elderly Aging and Adult Services" means the Bureau of Maine's
3 Elderly Aging and Adult Services, Maine Department of Human
4 Services.

5 Sec. 20. 22 MRSA §5304, sub-§9, as amended by PL 1975, c. 293,
6 §4, is further amended to read:

7 9. Director, Bureau of Aging and Adult Services. "Director,
8 Bureau of Maine's--Elderly Aging and Adult Services" means
9 Director, Bureau of Maine's--Elderly Aging and Adult Services,
10 Maine Department of Human Services.

11 Sec. 21. 22 MRSA §6108, as amended by PL 1977, c. 317, §1, is
12 further amended to read:

13 §6108. Administration of priority social services for Maine's
14 elderly

15 The Bureau of Maine's--Elderly Aging and Adult Services,
16 Department of Human Services or its successors, is designated as
17 the organizational unit of State Government with sole
18 responsibility for administrating, with the advice of the Maine
19 Committee on Aging, and subject to the direction of the
20 commissioner, so much of the Priority Social Services Program as
21 relates directly to older people, such as, but not limited to,
22 these types of social services: Meals for older people,
23 transportation for older people and health and home care needs
24 for the elderly.

25 Regarding priority social services for older people, the
26 Bureau of Maine's--Elderly Aging and Adult Services shall have the
27 powers and duty to:

28 1. Administer priority social services. Administer such
29 priority social services in accordance with the intent,
30 objectives and purposes of this Part and shall have, in any
31 respects that relate to such these priority social services, the
32 powers and duties set forth in section 5310; and

33 2. Action to insure consistency of priority social
34 services. Prepare, adopt, amend, rescind and administer, with
35 the advice of the Maine Committee on Aging, policies, priorities,
36 procedures, rules and regulations. The Bureau of Maine's--Elderly
37 Aging and Adult Services and the Bureau of Human Resources,
38 respectively, shall take, pertaining to their own policies,
39 priorities, procedures, rules and regulations, such action as is
40 necessary to insure that such items pertinent to priority social
41 services are consistent.

1 **Sec. 22. 22 MRSA §6203, sub-§2**, as enacted by PL 1983, c. 545,
§1, is amended to read:

3

2. **Agreements.** In order to provide adult day care and other
5 services, the department and the Bureau of Maine's Elderly Aging
and Adult Services may enter into agreements with long-term
7 health care facilities, separate and distinct from any other
agreements between the department and the same facility.

9

Any facility participating in this demonstration shall enter into
11 an agreement with the department. Each agreement shall specify,
among other things, the services to be provided, the fees for
13 services, the method of payment, records to be maintained and the
provisions for evaluating the services provided.

15

17 **Sec. 23. 22 MRSA §6204, sub-§1**, as enacted to PL 1983, c. 545,
§1, is amended to read:

19 1. **Adult day care.** Thirty-two individuals may be served in
adult day care during the demonstration. The Bureau of Maine's
21 Elderly Aging and Adult Services shall establish criteria for
making awards for adult day care, with provisions to allow adult
23 day care demonstrations in each of the 5 regions of the State.

25

27

STATEMENT OF FACT

29 Under existing law, the statutory authority for
state-administered programs for elderly and other vulnerable
31 adults is fragmented between 2 agencies within the State's
Department of Human Services. First, the Bureau of Maine's
33 Elderly administers a variety of programs for people aged 60 or
older pursuant to the Maine Revised Statutes, Title 22, chapters
35 1451 to 1457-A. Through 5 private, nonprofit area agencies on
aging and Legal Services for the Elderly, Inc., the bureau
37 administers programs such as care management, home-based care,
training, congregate and shared housing, volunteer programs,
39 meals, adult day care and other social services. The 2nd agency
within the Department of Human Services serving vulnerable adults
41 is the Division of Adult Services of the Bureau of Social
Services. The division administers a program of adult protective
43 and public guardianship services pursuant to Title 22, chapter
958-A. This program serves "incapacitated and dependent adults"
45 aged 18 years of age or older who are vulnerable to abuse,
neglect, exploitation or physical danger because of mental
47 illness, mental deficiency other than mental retardation, or
physical illness or disability. Seventy percent of the
49 division's case load are elderly persons. Services under this
program range from the procurement of social, medical and
51 psychiatric services through the institution of guardianship
proceedings.

1
3 Adults who meet the definition of "incapacitated" or
5 "dependent" share many of the problems faced by the elderly.
7 Members of both groups can be vulnerable and may at some point be
9 in need of protective services. Many in both groups receive
11 assistance under entitlement programs and many reside in nursing
13 homes, boarding homes and other institutions. Finally, many
15 individuals will be eligible for programs administered by both
17 the Bureau of Maine's Elderly and the Division of Adult
19 Services. This can be confusing for the recipient of services,
21 for the social services and health care professionals and for
23 families and other concerned people. This bill better
25 coordinates services to vulnerable adults by combining services
to them within a single bureau of the Department of Human
Services known as the Bureau of Aging and Adult Services. This
bureau, which currently operates as the Bureau of Maine's
Elderly, would administer the program of adult protective
services now administered by the Bureau of Social Services. The
new Bureau of Aging and Adult Services would continue to be
responsible for programs for the elderly. In addition, this
bureau would have the new responsibility of encouraging,
developing, assisting, evaluating and coordinating programs for
incapacitated and dependent adults of all ages, maintaining
information on this population and including this population in a
comprehensive annual state plan.

27 Under this bill, the Maine Department of Mental Health and
29 Mental Retardation would continue to administer a program of
adult protective and public guardianship services for mentally
retarded adults.