

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 1436

S.P. 538

In Senate, April 8, 1991

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 President PRAY of Penobscot

Cosponsored by Senator BUSTIN of Kennebec and Representative GOODRIDGE of  
Pittsfield.

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### STATE OF MAINE

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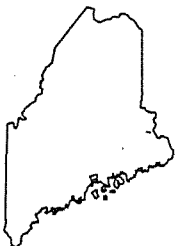
IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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**Resolve, to Direct the Department of Mental Health and Mental  
Retardation to Develop a Proposal to Improve Staff Retention in  
Community-based Programs Serving Persons with Mental Retardation.**

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(EMERGENCY)



2           **Emergency preamble.** Whereas, Acts and resolves of the  
Legislature do not become effective until 90 days after  
adjournment unless enacted as emergencies; and

4  
6           Whereas, the stability of the work force in community-based  
programs providing services to persons with mental retardation is  
critical to effectiveness of those programs in enabling such  
8 persons to maintain themselves in the community; and

10           Whereas, funding has been appropriated to improve staff  
retention in intermediate care facilities serving persons with  
12 mental retardation; and

14           Whereas, the wage scales in other community-based programs  
providing services to persons with mental retardation are  
16 substantially lower than those in both intermediate care  
facilities and State Government for the same or equivalent jobs;  
18 and

20           Whereas, a serious staff retention problem exists in many  
community-based programs providing services to persons with  
22 mental retardation, including day programs, supported employment  
programs, foster homes, boarding homes and supported living  
24 programs; and

26           Whereas, there is a need for immediate action to assess the  
nature and scope of the problem and to develop a plan to address  
28 it; and

30           Whereas, in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
32 Maine and require the following legislation, as immediately  
necessary for the preservation of the public peace, health and  
34 safety; now, therefore, be it

36           **Department duties. Resolved:** That the Department of Mental  
Health and Mental Retardation shall:

38  
40           1. Develop a proposal to establish wage parity between  
community-based programs providing services to persons with  
42 mental retardation and state-run facilities and to implement any  
other measures which may be determined necessary to improve staff  
44 retention and ensure the stability of state-funded  
community-based programs;

46           2. Report its recommendations to the joint standing  
committee of the Legislature having jurisdiction over human  
48 resource matters and the joint standing committee of the  
Legislature having jurisdiction over appropriations and financial  
50 affairs no later than January 15, 1992; and

2 3. Consult with community-based programs in all phases of  
this process.

4 **Emergency clause.** In view of the emergency cited in the  
preamble, this resolve takes effect when approved.  
6

8 **STATEMENT OF FACT**

10 State-funded community-based programs providing services to  
12 persons with mental retardation are experiencing extreme  
difficulties in maintaining a qualified work force due to the  
14 very low wages and benefits they are able to pay. The resulting  
instability jeopardizes the effectiveness of the programs that  
16 provide support to persons with mental retardation who are living  
in the community, including boarding homes, day programs,  
18 supported employment programs, foster homes and supervised  
apartments.

20 Funding has been appropriated to improve staff retention in  
intermediate care facilities, but the problem has not been  
22 addressed in other programs. In a study completed in October  
1990, the Department of Mental Health and Mental Retardation,  
24 Bureau of Mental Retardation has documented the fact that wages  
and benefits paid to direct care staff in community programs are  
26 significantly lower than those of workers in state facilities.

28 This resolve requires the Department of Mental Health and  
Mental Retardation to develop a proposal to establish parity in  
30 wages and benefits between community-based programs and state  
facilities. The proposal may also include any other  
32 recommendations determined necessary to improve staff retention.  
The department's recommendations will be reported to the  
34 Legislature by January 15, 1992.