

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1650

H.P. 1173

House of Representatives, March 25, 1997

An Act to Optimize the Utility of the 5 Maine Veterans' Homes.

Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative WINGLASS of Auburn.
Cosponsored by Senator RUHLIN of Penobscot and
Representatives: GAGNE of Buckfield, GERRY of Auburn, LANE of Enfield, LOVETT of
Scarborough, MADORE of Augusta, SIROIS of Caribou, TUTTLE of Sanford, Senator:
FERGUSON of Oxford.

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

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Sec. 1. 22 MRSA §3174, sub-§4 is enacted to read:

4. Veterans. This section does not apply to veterans and other residents who reside in the Maine Veterans' Homes.

Sec. 2. 37-B MRSA §601, as repealed and replaced by PL 1993, c. 680, Pt. A, §34, is amended to read:

§601. Homes established; purpose

There must be public homes for veterans in Maine known as "Maine Veterans' Homes." In addition to the existing 120-bed home located in Augusta, a 120-bed home located in southern-Maine Scarborough, a home not to exceed 60 40 beds located in Areosteeek County Caribou, a home located in Bangor not to exceed 120 beds, of which 40 beds are dedicated to senile dementia patients, and a home located in South Paris not to exceed 90 beds, of which 30 beds are dedicated to senile dementia patients, may be constructed if federal Veterans' Administration funds are available to meet part of the costs of each facility for construction or operation. In addition, a home located in Machias not to exceed 60 beds may be constructed if federal Veterans' Administration funds or funds from any other state, federal or private source are available to meet part of the costs of the facility for construction or operation, except that the Machias home may not begin operation prior to July 1, 1995 and the construction and funding of the Machias home may not in any way jeopardize the construction, funding or financial viability of any other home. The Board of Trustees of the Maine Veterans' Homes shall plan and develop ~~these additional homes and may use the Machias home using~~ any funds available for ~~these purposes that purpose~~, except for the Augusta facility's funded depreciation account. The primary purpose of the homes is to provide support and care for honorably discharged veterans who served on active duty in the United States Armed Forces during ~~wartime, including the Korean Conflict, the Vietnam War and the Persian Gulf War~~ for no less than 180 days.

Sec. 3. 37-B MRSA §607, as amended by PL 1995, c. 211, §1, is further amended to read:

§607. Admission

Veterans desiring admission to the home must apply on forms prescribed by the administrator. ~~Admission may be granted by the administrator only to eligible~~ The administrator shall grant admission only to veterans who were residents of Maine at the time of their entry into the United States Armed Forces or who are residents of Maine at the time of application, and to the spouses, widows or widowers of eligible veterans, provided that

2 suitable facilities are available. Parents of armed services
4 members who are killed in action or die as a consequence of
6 wounds received in battle are also eligible, as so called "gold
8 star" parents, for admission. Admission must be granted when
10 provisions of the rules are met, when there is a vacancy and in
12 order of application, unless otherwise provided in the rules
14 governing private payment, Medicare and Medicaid eligibility to
entitled persons are met. For the purposes of this section,
"eligible veteran" includes a person who served on active duty in
the United States Armed Forces at any time during the period from
December 22, 1961 to August 5, 1964. Medical eligibility for
reimbursement under the Medicaid program for residents of the
Maine Veterans' Homes must be determined using the Medicaid
eligibility criteria in effect before to July 1, 1994.

16 **Sec. 4. 37-B, §609**, as enacted by PL 1983, c. 460, §3, is
18 repealed.

20 **Sec. 5. 37-B, §610**, as enacted by PL 1983, c. 460, §3, is
22 amended to read:

24 **§610. Support and maintenance fund**

26 All funds received by the Treasurer of State shall Maine
28 Veterans' Home, including federal Veterans' Administration
30 stipend funds, must be held by him in a permanent fund to be used
32 as required by the administrator for the support and maintenance
34 of the home homes. A percentage of these funds approved by the
36 board of trustees shall must be placed in reserve for capital
38 improvement expenditures. The board of trustees shall operate the
40 home homes, when constructed, as a self-liquidating project
42 projects until all the bonds issued as provided by this chapter
are retired. Any funds received in excess of that necessary for
the support and maintenance of the home homes, the capital
reserve fund and funds necessary for retirement of any
outstanding bonds or indebtedness as those payments become due
shall lapse at the end of each fiscal year must be transferred to
the Treasurer of State where they are to be applied as credits to
the General Fund. The Department of Human Services shall may not
modify its principles of reimbursement for long-term care
facilities to specifically exclude reimbursement for the
depreciation of the assets created with federal or state grants.

44 **Sec. 6. 37-B MRSA §610-A** is enacted to read:

46 **§610-A. Stipend funds**

48 The Maine Veterans' Homes retain as direct income revenue
50 any stipend funds they may receive from the federal Veterans'
Administration for the homes' entire eligible resident population.

2 The Department of Human Services may neither receive the
3 proceeds nor require the application of stipend funds in the
4 Medicare or Medicaid rate justification submissions by the Maine
5 Veterans' Homes.

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SUMMARY

10 This bill allows the Maine Veterans' Homes, not the
11 Department of Human Services, to receive and retain the stipend
12 provided by the federal Veterans' Administration and awarded to
13 each Maine veteran who served on active duty in the armed forces
14 during stipulated wartime periods. This bill extends the
15 opportunity for admission to Maine Veterans' Homes to all Maine
16 veterans who have recorded at least 180 days of active service
17 and are awarded honorable discharges and to the "gold star"
18 parents of armed service members who died in combat or as a
consequence of wounds received on active duty in the armed forces.