

# MAINE STATE LEGISLATURE

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L.D. 1963

DATE: 4-4-00

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**MAJORITY  
HEALTH AND HUMAN SERVICES**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
119TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1365, L.D. 1963, Bill, "An Act to Establish the Maine Council on Aging"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 5 MRSA §12004-I, sub-§35-C is enacted to read:

35-C. Maine Council Per Diem 22 MRSA  
Human Services on Aging and §5112-A  
Expenses  
Legislators  
Only

Sec. 2. 22 MRSA c. 1456 is enacted to read:

**CHAPTER 1456**

**MAINE COUNCIL ON AGING**

**§5112-A. Maine Council on Aging**

1. Council established. The Maine Council on Aging, referred to in this chapter as the "council," is established under Title 5, section 12004-I, subsection 35-C as an independent advisory council.

2. "Elderly" defined. For purposes of this chapter, "elderly" has the same meaning as in section 5304, subsection 10.

2           3. Executive director. The Executive Director of the Maine  
3           Council on Aging serves as staff to the council. The executive  
4           director is appointed by the Governor in consultation with the  
5           council.

6  
7           4. Council membership. The council consists of 15 members  
8           appointed in accordance with this subsection. The appointing  
9           authorities shall consider recommendations from area agencies on  
10           aging and other interested organizations that represent the  
11           interests of the elderly prior to making the appointments.

12           A. The Governor shall appoint 7 members qualified under  
13           subsection 5, paragraph A. Of the initial appointments, 3  
14           must be for 2-year terms and 4 for 3-year terms.

15           B. The President of the Senate shall appoint:

16                   (1) One Senator; and

17                   (2) Three members qualified under subsection 5,  
18                   paragraph A. Of the initial appointments under this  
19                   subparagraph, one must be for a 2-year term and 2 for  
20                   3-year terms.

21           C. The Speaker of the House shall appoint:

22                   (1) One Representative; and

23                   (2) Three members qualified under subsection 5,  
24                   paragraph A. Of the initial appointments under this  
25                   subparagraph, one must be for a 2-year term and 2 for  
26                   3-year terms.

27           5. Specific qualifications of certain members. Except for  
28           the legislative members appointed pursuant to subsection 4,  
29           paragraph B, subparagraph (1) and paragraph C, subparagraph (1),  
30           members of the council must meet the following specifications.

31           A. Members must be:

32                   (1) Experienced in or have demonstrated interest in the  
33                   special needs of the elderly and must represent major  
34                   public or private agencies working on elderly issues,  
35                   including advocacy;

36                   (2) Active in advocacy organizations representing the  
37                   interests of disabled persons served in programs under  
38                   the Bureau of Elder and Adult Services; or

2           (3) Consumers of services under programs for  
3           low-income or disabled persons under the Bureau of  
4           Elder and Adult Services.

6           B. A majority of members must be 60 years of age or older.

8           6. Liaison between bureau and council. The Director,  
9           Bureau of Elder and Adult Services or the director's designee  
10           shall serve as a liaison between the bureau and the council.

12           7. Initial appointments; initial meeting. All initial  
13           appointments must be made no later than 30 days following the  
14           effective date of this section. The Executive Director of the  
15           Legislative Council must be notified by all appointing  
16           authorities once the selections have been made. Within 15 days  
17           after the appointment of all members, the Chair of the  
18           Legislative Council shall call and convene the first meeting of  
19           the council.

20           8. Terms and appointments. Legislative members serve  
21           during their legislative terms. After the initial appointments,  
22           nonlegislative members are appointed for 3-year terms. Members  
23           may be reappointed, but no member may serve more than 2  
24           consecutive full 3-year terms. Members may serve after the  
25           expiration of their terms until their successors have been  
26           appointed and qualified.

28           An appointing authority may terminate for just cause the  
29           appointment of any member of the council appointed by that  
30           appointing authority. The reason for the termination of that  
31           appointment must be communicated to the member terminated. The  
32           appointment of any member of the council must be terminated if  
33           that member is absent from 3 consecutive meetings without just  
34           cause that is communicated to the chair.

36           9. Vacancies. A member appointed to fill a vacancy  
37           occurring prior to the expiration of the term for which the  
38           predecessor was appointed may be appointed only for the remainder  
39           of that term. Vacancies must be filled in the same manner as the  
40           original appointment was made. A vacancy on the council does not  
41           affect the council's powers.

42           10. Chair; number of meetings. The council shall select a  
43           chair from among its members for a 2-year term. The council  
44           shall meet at the call of the chair but not less than 4 times a  
45           year.

48           11. Minutes. The council shall keep minutes of all  
49           meetings, including a list of people in attendance, and send

copies of the minutes of all meetings to the Governor and leadership of the Legislature.

**12. Quorum.** A quorum, consisting of a majority of council members, is required to take action or hold a meeting. The council may take action by vote of a majority of those present at a meeting.

**13. Staffing assistance.** The council is authorized to employ, subject to the Civil Service Law, staff necessary to carry out its objectives. The council is authorized to employ consultants and contract for projects that it considers necessary. The commissioner shall, to the extent possible, make available to the council such staff, facilities, equipment, supplies, information and other assistance as it may reasonably require to carry out its activities.

**14. Council compensation.** Legislative members of the council are entitled to compensation as provided in Title 5, section 12004-I, subsection 35-C.

**15. Subcommittees.** The council is authorized to appoint subcommittees consisting of its own members and other interested persons as it determines appropriate. The chair of a subcommittee must be a council member.

#### **§5112-B. Duties**

**1. Study; advise; consult; and assist.** The council shall study programs and budgets of state agencies and programs and advise, consult and assist the executive and legislative branches of State Government on activities related to the elderly, including, but not limited to, programs and budgets of state agencies that affect the elderly. The council may make recommendations, in the form of budgetary, legislative, policy or other actions, to the Governor, the Legislature and state agencies and to the Federal Government and federal agencies. Recommendations must focus on coordinating services for the elderly, eliminating overlapping services and providing services that are needed by the elderly.

**2. Advocate.** The council shall serve as an advocate for and the voice of the elderly and promote and assist in activities designed to enhance their well-being.

**3. Advisory council.** The council shall serve as the advisory council on behalf of the elderly of the State to the pertinent state agencies and as may be required by state or federal laws. The council shall advise regarding state and federal plans, policies, programs and other activities relating

to the elderly of the State. The council shall submit to federal and state agencies its recommendations and comments on federal and state plans and policies, any revisions of those plans or policies and other pertinent reports. When the Bureau of Elder and Adult Services submits a plan or report to a state or federal agency, the bureau shall attach any reports or statements of the council regarding the same issue.

**4. Inform public.** In consultation with the Bureau of Elder and Adult Services, the council shall gather and disseminate information on effective programs inside or outside of the State, conduct or commission studies and publish the results and issue publications and reports, for which a reasonable fee may be charged, in order to improve the public's understanding of the current status of the State's elderly.

**5. Public forums.** The council shall provide and sponsor public forums, public hearings, conferences, workshops, regional meetings and other meetings to obtain information about and discuss or publicize the needs of the elderly and solutions to their problems.

**6. Administration.** The council shall administer, in accordance with current fiscal and accounting rules of the State and in accordance with the philosophy, objectives and authority of this Part, any funds appropriated for expenditures by the council or any grants or gifts that are available, accepted and received by the council. By November 1st each year, the council shall also make an annual report to the Legislature, the commissioner and the Governor concerning its work in the prior year and its plans and recommendations for the future. The council shall make interim reports as it considers advisable and as requested by the Governor or Legislature. By February 1st of each odd-numbered year, the council shall report to the Legislature on the state of Maine's elderly, including a report on the status of the state plan for elderly services and the status of services for the elderly.

**7. Coordination of efforts.** The council shall coordinate its efforts with those of other groups advising the department, the Governor and the Legislature.

**Sec. 3. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

2000-01

MAINE COUNCIL ON AGING

**Maine Council on Aging**

2		
	Positions - Legislative Count	(3,000)
4	Personal Services	\$114,253
	All Other	14,100
6	Capital Expenditures	7,500

8 Provides funds for one Executive Director  
 10 position, one Research Associate position  
 12 and one Clerk IV position and related  
 14 operational and meeting costs to provide  
 16 staff assistance to the Maine Council on  
 18 Aging.

**MAINE COUNCIL ON AGING**

16	<b>TOTAL</b>	<u>\$135,853</u>
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**LEGISLATURE**

**Legislature**

22		
	Personal Services	\$660
24	All Other	600

26 Provides funds for the per diem and expenses  
 28 of legislative members of the Maine Council  
 on Aging.

**LEGISLATURE**

30	<b>TOTAL</b>	<u>\$1,260</u>
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**TOTAL APPROPRIATIONS**

34		<u>\$137,113'</u>
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36 Further amend the bill by inserting at the end before the  
 38 summary the following:

**'FISCAL NOTE**

**2000-01**

**APPROPRIATIONS/ALLOCATIONS**

46	General Fund	\$137,113
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48 This bill includes a General Fund appropriation of \$135,853  
 50 in fiscal year 2000-01 for the Maine Council on Aging for one  
 Executive Director position, one Research Associate position and

COMMITTEE AMENDMENT "A" to H.P. 1365, L.D. 1963

one Clerk IV position and related operational costs to provide staff assistance to the council, as well as funds for meeting expenses. The estimated future costs will be approximately \$147,000 annually beginning in fiscal year 2001-02.

This bill also includes an additional General Fund appropriation of \$1,260 in fiscal year 2000-01 for the Legislature for the per diem and expenses of 2 legislative members of the Maine Council on Aging. The estimated future costs beginning in fiscal year 2001-02 will be approximately \$1,260.'

### SUMMARY

This amendment is the majority report of the Joint Standing Committee on Health and Human Services. It retains the provisions of the bill that establish the Maine Council on Aging as an independent advisory council. The council's duties include advising, consulting and assisting the executive and legislative branches of State Government on issues and activities related to the elderly; advocating on behalf of the elderly; and disseminating information. It deletes the requirement to hold Blaine House Conferences on Aging. The amendment retains the membership composition and clarifies the appointing procedures. The amendment also adds an appropriation and a fiscal note to the bill.