

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1963

H.P. 1365

House of Representatives, March 23, 1999

An Act to Establish the Maine Council on Aging.

Reference to the Committee on Health and Human Services suggested and ordered printed.

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

JOSEPH W. MAYO, Clerk

Presented by Representative FULLER of Manchester.

Cosponsored by Representatives: BROOKS of Winterport, COLWELL of Gardiner, DUGAY of Cherryfield, LOVETT of Scarborough, MARTIN of Eagle Lake, MURPHY of Kennebunk, Senators: CATHCART of Penobscot, PARADIS of Aroostook.

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

2
4 **Sec. 1. 5 MRSA §12004-I, sub-§35-C** is enacted to read:

6 **35-C.** Maine Council Expenses 22 MRSA
Human Services on Aging Only §5112-A

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

10 **CHAPTER 1456**

12 **MAINE COUNCIL ON AGING**

14 **§5112-A. Maine Council on Aging**

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

20 **2. Elderly or older people defined.** For purposes of this
chapter, "elderly" or "older people" has the same meaning as in
22 section 5304, subsection 10.

24 **3. Executive director.** The Executive Director of the Maine
Council on Aging serves as staff to the Maine Council on Aging.
26 The executive director is appointed by the Governor in
consultation with the Board of Directors of the Maine Council on
28 Aging. The executive director is subject to the Civil Service
Law.

30 **4. Council membership.** The council consists of the
32 following 15 members:

34 **A. Seven members appointed by the Governor;**

36 **B. Four members appointed by the President of the Senate;**
38 **and**

40 **C. Four members appointed by the Speaker of the House of**
42 **Representatives.**

44 The members of the public appointed by the Governor, the
President of the Senate and the Speaker of the House of
46 Representatives must be appointed for staggered terms not to
exceed 2 years.

48 **5. Specific qualifications of members.** Members of the
council must meet the following specifications.
50

2 A. Members of the council must be persons who are current
4 leaders of the State's elderly from a number of fields, such
6 as income, health, housing and community and social
8 services, who have proven experience in private, public and
10 voluntary organizations on state, regional and community
12 levels, such as statewide membership groups, task forces on
14 aging, regional and county councils of older people and
16 senior citizen clubs at the municipal level. At least 2
18 members of the council must be current members of the
20 Legislature, one from the Senate and one from the House of
22 Representatives.

24 B. At least 8 members must be older Americans. An
26 official, employee, consultant or any other individual
28 employed, retained or otherwise compensated by or
30 representative of the executive branch of State Government
32 may not be a member of the council.

34 C. Any member of the council, staff member employed by the
36 council or volunteer may not have a conflict of interest.

38 6. Liaison between bureau and council. The Director of the
40 Bureau of Elder and Adult Services or the director's designee
42 shall serve as a liaison between the bureau and the council.

44 7. Appointments: meetings. All appointments must be made
46 no later than 30 days following the effective date of this
48 section. The Executive Director of the Legislative Council must
50 be notified by all appointing authorities once the selections
52 have been made. Within 15 days after the appointment of all
54 members, the Chair of the Legislative Council shall call and
56 convene the first meeting of the council. The council shall
58 select a chair from among its members.

60 8. Terms and appointments. Legislative members serve
62 during their legislative terms. The other members are appointed
64 for terms of 3 years. Members may be reappointed, but no member
66 may serve more than 2 consecutive full terms of 3 years each.
68 Members may serve after the expiration of their terms until their
70 successors have been appointed and qualified.

72 The appointing authority may terminate for just cause the
74 appointment of any member of the council appointed by that
76 appointing authority and the reason for the termination of that
78 appointment must be communicated to the member terminated. The
80 appointment of any member of the council must be terminated if a
82 member is absent from 3 consecutive meetings without just cause
84 that is communicated to the chair.

2 9. Vacancies. Any member appointed to fill a vacancy
4 occurring prior to the expiration of the term for which the
6 predecessor was appointed may be appointed only for the remainder
of that term. Vacancies must be filled in the same manner as the
original appointment was made. Any vacancy in the council does
not affect the council's powers.

8 10. Chair; number of meetings. The council shall select a
10 chair from among its members for a term of 2 years. The council
12 shall meet at the call of the chair, but not less than 4 times a
year.

14 11. Functions of the board of directors. The board of
16 directors shall consult with and advise the Executive Director of
18 the Maine Council on Aging concerning the council's performance
of the duties and to make recommendations to the executive
director on issues concerning the council's work and the needs of
older people.

20 12. Administrative authority. The council shall keep
22 minutes of all meetings, including a list of people in
24 attendance, and send copies of the minutes of all meetings to the
Governor and leadership of the Legislature. A majority of the
council members constitute a quorum for the purpose of conducting
the business of the council and exercising all the powers of the
council. A majority of the members present is sufficient for all
actions of the council.

28 13. Staffing assistance. The council is authorized to
30 employ, subject to the Civil Service Law, staff necessary to
32 carry out its objectives. The council is authorized to employ
consultants and contract for projects that it considers
34 necessary. The commissioner and the director, to the extent
reasonable and feasible, must make available to the council such
36 staff, facilities, equipment, supplies, information and other
activities.

38 14. Council compensation. Each member of the council is
40 entitled to compensation as provided in Title 5, section 12004-I,
42 subsection 35-C.

44 15. Subcommittees. The council is authorized to appoint
46 subcommittees consisting of its own members and to allow guests
of the council to attend any meetings.

48 **§5112-B. Duties**

50 The council shall:

1 **1. Advise, consult and assist.** Advise, consult and assist
2 the executive and legislative branches of State Government on
3 activities of State Government related to older people. The
4 council is solely advisory in nature. The council may make
5 recommendations regarding any function intended to benefit older
6 people. If findings, comments or recommendations of the council
7 vary from or are in addition to those of any state bureau or
8 department, the statements of the council must be sent to the
9 respective branches of State Government as attachments to those
10 submitted by that bureau or department. Recommendations may take
11 the form of proposed budgetary, legislative or policy actions;

12
13 **2. Advocate.** Serve as an advocate on behalf of older
14 people by making recommendations in the form of proposed
15 budgetary, legislative and policy actions to the Governor, the
16 commissioner, the director, the Legislature and to other
17 officials of Federal Government and State Government with respect
18 to state and federal policies, programs and other activities
19 affecting or relating to the older people of the State. The
20 council shall promote and assist in activities designed to
21 enhance the well-being of older people. It shall serve as a
22 voice on behalf of older people to officers of State Government,
23 the Governor, the Legislature, the public-at-large and the
24 Federal Government;

25
26 **3. Advisory council.** Serve as the advisory council on
27 behalf of the elderly of the State to the pertinent state
28 agencies relating to or as may be required by state or federal
29 laws and their successors. The council shall advise regarding
30 state and federal plans, policies, programs and other activities
31 relating to the older people of the State. The council shall
32 submit to the federal or state agencies its recommendations and
33 comments on state plans and policies and any revisions of those
34 plans or policies or other pertinent reports. Statements at
35 variance with or in addition to those of the Bureau of Elder and
36 Adult Services or the department must be attached to the plan or
37 reports upon submission, by the bureau, to agencies of the United
38 States Government or to state agencies;

39
40 **4. Inform the public.** In consultation with the Bureau of
41 Elder and Adult Services, gather and disseminate information on
42 effective programs elsewhere in the State or nation, conduct or
43 commission studies and publish the results, and issue
44 publications and reports for which a reasonable fee may be
45 charged, in order to improve the public's understanding of the
46 current status of the State's elderly;

47
48 **5. Public forums.** Provide and sponsor public forums,
49 public hearings, conferences, workshops and other such meetings
50 to obtain information about, discuss or publicize the needs of

2 and solutions to problems of older people. The council shall
3 hold a statewide Blaine House Conference on Aging at least every
4 2 years and may hold regional conferences and meetings; and

6 6. Administration. Administer in accordance with current
7 fiscal and accounting regulations of the State and, in accordance
8 with the philosophy, objectives and authority of this Part, any
9 funds appropriated for expenditures by the council or any grants
10 or gifts that may become available, accepted and received by the
11 council. The council shall also make an annual report that must
12 be submitted directly to the Executive Director of the
13 Legislative Council, the commissioner, the Governor and the
14 Legislature not later than November 1st of each year concerning
15 its work, recommendations and interests of the previous fiscal
16 year and future plans. The council shall make such interim
17 reports as it considers advisable or as requested by the Governor
18 or Legislature.

20 SUMMARY

22 This bill establishes the Maine Council on Aging as an
23 independent advisory council. The council's duties include
24 advising, consulting and assisting the executive and legislative
25 branches of State Government on issues and activities related to
26 older people; advocating on behalf of older people; disseminating
27 information, sponsoring forums and holding a statewide Blaine
28 House Conference on Aging at least every 2 years.