

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
120TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT "A" to H.P. 653, L.D. 853, Bill, "An Act to Ensure Access to Assisted Living Services Programs"

Amend the bill by inserting after the title and before the enacting clause the following:

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

Whereas, unless this legislation is enacted as an emergency measure, the Commission to Study Assisted Living will be unable to complete its work in a timely manner; and

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

Further amend the bill by striking out all of section 1.

Further amend the bill in section 2 in subsection 1 in the first line (page 1, line 20 in L.D.) by striking out the following: "20" and inserting in its place the following: '21'

Further amend the bill in section 2 in subsection 1 by striking out all of paragraphs A, B and C and inserting in their place the following:

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- 2 'A. Four members of the Senate, appointed by the President
of the Senate. In making these appointments, preference
4 must be given to members of the Joint Standing Committee on
Health and Human Services. The first named Senator serves
6 as Senate chair;
- 8 B. Four members of the House of Representatives, appointed
by the Speaker of the House. In making these appointments,
10 preference must be given to members of the Joint Standing
Committee on Health and Human Services. The first named
12 member of the House of Representatives serves as House chair;
- 14 C. Five members appointed by the President of the Senate as
follows:
16
18 (1) One person representing older persons; one person
representing providers of long-term care, including
20 assisted living services; one person representing
developers of assisted living services; one person
22 representing a statewide organization that invests in
tax credit financed assisted living programs; and one
24 person representing assisted living services providers;
- 26 D. Five members appointed by the Speaker of the House of
Representatives as follows:
28
30 (1) One person representing providers of affordable
assisted living services; one person representing
32 private market providers of assisted living services;
one person representing area agencies on aging; one
34 person representing a community-based nonprofit
organization that lends money for the development of
affordable assisted living programs; and one person
36 representing assisted living services providers;
- 38 E. The Director of the Maine State Housing Authority or the
director's designee;
- 40 F. The Director of the State Planning Office within the
Executive Department or the director's designee; and
42
- 44 G. The Director of the Department of Human Services, Bureau
of Elder and Adult Services or the director's designee.'
- 46 Further amend the bill in section 2 in subsection 2 in the
last line (page 2, line 18 in L.D.) by striking out the
48 following: "September 1" and inserting in its place the
following: 'August 15'

2 Further amend the bill in section 2 in subsection 4 in
3 paragraph A in the last line (page 2, line 40 in L.D.) by
4 inserting after the following: "data." the following: 'The
5 commission shall also study and propose changes to existing law
6 to facilitate and properly compensate providers for the delivery
7 of services that allow consumers to choose to remain and reside
8 in an assisted living facility while aging without compromising
9 the quality of care, the safety of consumers or the financial,
10 administrative or residential care capabilities of the providers
11 of assisted living services.'

12 Further amend the bill in section 2 by striking out all of
13 subsection 6 and inserting in its place the following:

14
15 **'6. Reimbursement.** Members of the commission who are
16 Legislators are entitled to receive the legislative per diem, as
17 defined in the Maine Revised Statutes, Title 3, section 2 and
18 reimbursement for necessary expenses incurred for the attendance
19 at authorized meetings of the commission. Other members of the
20 commission who are not otherwise compensated by their employers
21 or other entities that they represent are entitled to receive
22 reimbursement of necessary expenses incurred for their attendance
23 at authorized meetings.'

24
25 Further amend the bill in section 2 in subsection 7 in the
26 first line (page 3, line 16 in L.D.) by striking out the
27 following: "**Report.**" and inserting in its place the following:
28 '**Meetings; report.** The commission shall hold 4 meetings.'

29
30 Further amend the bill in section 2 in subsection 7 in the
31 3rd line (page 3, line 18 in L.D.) by striking out the
32 following: "December 1" and inserting in its place the
33 following: 'December 5'

34
35 Further amend the bill in section 2 in subsection 7 in the
36 last line (page 3, line 20 in L.D.) by inserting after the
37 following: "Legislature." the following: 'If the commission
38 requires a limited extension of time to conclude its work, it may
39 apply to the Legislative Council, which may grant the extension.'

40
41 Further amend the bill in section 2 in subsection 8 in the
42 last line (page 3, line 26 in L.D.) by inserting after the
43 following: "funds." the following: 'The commission may not
44 incur expenses that would result in the commission's exceeding
45 its approved budget.'

46
47 Further amend the bill by striking out all of section 3.
48

2 Further amend the bill by inserting before the summary the
following:

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

8 Further amend the bill by relettering or renumbering any
10 nonconsecutive Part letter or section number to read
consecutively.

12 **FISCAL NOTE**

14 The amendment eliminates the General Fund cost of the bill,
16 originally estimated to be \$6,160 in fiscal year 2001-02, by
removing the appropriation section included in the bill. Funding
18 for legislative studies has been included in the Governor's
supplemental "Part 2" budget as amended by Committee Amendment
"A."

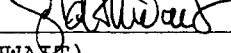
20 The additional costs associated with providing staffing
22 assistance to the Commission to Study Assisted Living during the
interim between legislative sessions can be absorbed by the
24 Legislature utilizing existing budgeted resources. If an
extension of the reporting deadline is granted and the commission
26 requires staffing assistance during the legislative session, the
Legislature may require an additional General Fund appropriation
28 to contract for staff services.

30 **SUMMARY**

32 The amendment removes the Governor as an appointing
34 authority for members of the Commission to Study Assisted Living
and vests that authority in the President of the Senate and the
36 Speaker of the House of Representatives. It changes the
commission's convening date from September 1, 2001 to August 15,
38 2001 and its report date from December 1, 2001 to December 5,
2001. It limits the commission to 4 meetings. It also allows
40 the Legislative Council to grant a limited extension of time for
completion of the commission's work if necessary. The amendment
42 also provides for reimbursement of necessary expenses incurred by
members who are not otherwise compensated for attendance at

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authorized meetings. It also adds an emergency preamble and
emergency clause.

SPONSORED BY: 
(Senator GOLDTHWAIT)

COUNTY: Hancock

SENATE AMENDMENT