

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 853

H.P. 653

House of Representatives, February 15, 2001

**An Act to Ensure Access to Assisted Living Services Programs.**

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

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative KANE of Saco.  
Cosponsored by Senator GAGNON of Kennebec and  
Representatives: DUGAY of Cherryfield, FULLER of Manchester, LAVERRIERE-  
BOUCHER of Biddeford, NUTTING of Oakland.

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

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**Sec. 1. Development of assisted living services programs.** The Department of Human Services shall develop assisted living services programs in 6 locations situated around the State. The programs must serve the elderly and persons with disabilities and must bridge the gap between home-based care and nursing facility care. The developers of the programs who will work in partnership with the department must be chosen in a competitive process administered by the department.

**Sec. 2. Commission to Study Assisted Living.** There is established the Commission to Study Assisted Living, referred to in this section as the "commission," to study assisted living options for the State in order to develop high-quality, cost-effective assisted living housing and service programs to serve the growing population of elderly and disabled persons in appropriate community center locations across the State.

**1. Membership.** The commission consists of 20 members appointed as follows:

A. Seven members appointed by the President of the Senate. The President shall appoint 4 members of the Senate, of whom the first named Senator serves as Senate chair. In making these appointments, preference must be given to members of the Joint Standing Committee on Health and Human Services. The President shall also appoint the following 3 other members: one person representing older persons; one person representing providers of long-term care, including assisted living services; and one person representing developers of assisted living services;

B. Seven members appointed by the Speaker of the House. The Speaker of the House shall appoint 4 members of the House of Representatives, of whom the first named Legislator serves as House chair. In making these appointments, preference must be given to members of the Joint Standing Committee on Health and Human Services. The Speaker of the House shall also appoint the following 3 members: one person representing providers of affordable assisted living services; one person representing private market providers of assisted living services; and one person representing the area agencies on aging; and

C. Six members appointed by the Governor. The Governor shall appoint a representative of the Maine State Housing Authority; a representative of the State Planning Office; a representative of the Department of Human Services, Bureau of Elder and Adult Services; a representative of the

2 Affordable Housing Loan Pool; a representative of assisted  
living tax credit investors; and a representative of Maine  
hospitals that provide assisted living services.

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6 State agencies shall provide information and assistance to the  
commission as required for the performance of its work. These  
8 agencies include but are not limited to the Department of Human  
Services, Bureau of Medical Services; the Department of Economic  
and Community Development; the Office of the State Fire Marshal;  
10 and the Maine Health and Higher Education Facilities Authority.

12 **2. Appointments.** All appointments must be made no later  
than 30 days following the effective date of this Act. The  
14 appointing authorities shall notify the Executive Director of the  
Legislative Council upon making the appointments. When the  
16 appointment of all members is complete, the chairs shall call and  
convene the first meeting of the commission no later than  
18 September 1, 2001.

20 **3. Assisted living philosophy.** The commission must be  
guided by the following philosophy of assisted living.

22 A. Assisted living provides congregate residences and  
24 services for the elderly and persons with disabilities in  
homelike settings.

26 B. Based on a social model, assisted living emphasizes  
28 independence, autonomy and respect for individual residents.

30 C. Assisted living provides assistance to residents that is  
appropriate for their changing needs and that maintains the  
32 connections between the residents and their families and  
communities.

34 **4. Duties.** The commission is charged with the following  
36 duties.

38 A. The commission shall study existing housing and program  
options for elderly and disabled persons and current and  
40 projected population and service requirement data.

42 B. The commission shall develop a comprehensive plan for  
assisted living in the State that establishes criteria for  
44 admissions and staffing and provides for expanded options on  
the basis of community needs. The plan must address  
46 affordability for the State's low-income and moderate-income  
residents. The plan must include information on the  
48 residential and service needs of the aging population,  
options for service development and delivery, methods of  
50 financing and models for state oversight and regulation.

2           The plan must be cost-effective and must maximize the use of  
private resources.

4           **5. Staff assistance.** Upon approval of the Legislative  
Council, the Office of Policy and Legal Analysis shall provide  
6 necessary staffing services to the commission.

8           **6. Reimbursement.** Legislative commission members are  
entitled to receive the legislative per diem, as defined in the  
10 Maine Revised Statutes, Title 3, section 2, for each day's  
attendance at meetings of the commission and reimbursement for  
12 travel and other necessary expenses, upon application to the  
Legislative Council. The Executive Director of the Legislative  
14 Council shall administer the commission's budget.

16           **7. Report.** The commission shall submit a report of its  
work to the Joint Standing Committee on Health and Human Services  
18 by December 1, 2001. The Joint Standing Committee on Health and  
Human Services may report out legislation to the Second Regular  
20 Session of the 120th Legislature.

22           **8. Budget.** Upon request of the commission, the Executive  
Director of the Legislative Council or the Executive Director's  
24 designee shall promptly provide the commission chairs and staff  
with a status report on the commission's budget, expenditures  
26 incurred and paid and available funds.

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

	2001-02	2002-03
32 <b>HUMAN SERVICES,</b>		
34 <b>DEPARTMENT OF</b>		
36 <b>Congregate Housing</b>		
38           All Other	\$900,000	\$1,800,000
40           Provides funding for assisted		
42           living services programs in 6		
locations around the State.		
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## SUMMARY

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4       This bill directs the Department of Human Services to  
develop assisted living services programs in 6 sites around the  
State. It provides funding for the sites, for a 1/2 year and  
6 then for a full year.

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10       This bill also establishes the Commission to Study Assisted  
Living to study assisted living options for the State in order to  
develop high-quality, cost-effective programs to serve the  
residential and assisted living residential and service program  
12 needs of the growing population of elderly and disabled persons  
in appropriate community center locations across the State.

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