

# MAINE STATE LEGISLATURE

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11.01.03

L.D. 1197

DATE: 5-27-03

(Filing No. S-236)

HEALTH AND HUMAN SERVICES

Reported by: Majority

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STATE OF MAINE
SENATE
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 403, L.D. 1197, Bill, "An Act To Preserve the Role of Assisted Living"

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

Sec. 1. 22 MRSA §7807 is enacted to read:

§7807. License not required

A license is not required to operate an independent housing with services program, as defined in section 7852.

Sec. 2. 22 MRSA §7853, first ¶, as enacted by PL 2001, c. 596, Pt. A, §1 and affected by Pt. B, §25, is amended to read:

The commissioner shall adopt rules for licensed assisted housing programs. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter II-A 2-A.

Sec. 3. 22 MRSA §7853, sub-§§5 and 6, as enacted by PL 2001, c. 596, Pt. A, §1 and affected by Pt. B, §25, are amended to read:

5. **Assisted living program rules.** The commissioner shall adopt rules for ~~independent-housing-with-services-programs-and~~ assisted living programs. In addition to the subject matter of rules listed in subsection 2, the rules must recognize and promote the efficiencies inherent in providing services in the applicable setting with respect to staffing and other responsibilities, while ensuring quality of care and safety. The rules must set requirements and standards for services rendered in the applicable settings that recognize the differences between those settings and private homes served pursuant to chapter 419. The rules must permit staff in assisted ~~housing~~ living programs to be shared in accordance with section 1812-C, subsection 6-A and section 7914.

6. **Applicability of residents' rights rules.** Any rules adopted pursuant to this section pertaining to residents' rights are applicable to ~~independent-housing-with-services-programs-and~~ licensed assisted living housing programs.

Sec. 4. 22 MRSA §7853, sub-§7 is enacted to read:

7. Relationship to tax credit financing. In adopting rules under this section, the department shall give due consideration to and shall avoid conflicts with the requirements of the federal Internal Revenue Code and regulations promulgated under the federal Internal Revenue Code and any other requirements imposed by the Internal Revenue Service when financing based on low-income housing tax credits is utilized for the housing component of assisted living programs.

Sec. 5. **Tax credit financing.** By October 1, 2003, the Maine State Housing Authority shall file a request with the Internal Revenue Service for a private letter ruling regarding compliance with applicable provisions of Section 42 of the federal Internal Revenue Code and regulations promulgated under that section for the housing component of assisted living programs as such compliance pertains to rulemaking by the Department of Human Services for assisted living programs. In developing the request, the Maine State Housing Authority shall consult with the Department of Human Services, providers of assisted living programs that utilize financing based on low-income housing tax credits and representatives of lenders and investors in affordable assisted living programs financed by low-income housing tax credits. Within 3 months of receiving guidance from the Internal Revenue Service, the Maine State Housing Authority and the Department of Human Services shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding that guidance and any recommendations for legislation or rulemaking.



Approved: 05/20/03 *MAC*



**121st Maine Legislature  
Office of Fiscal and Program Review**

**LD 1197**

**An Act to Preserve the Role of Assisted Living**

**LR 1541(02)**

**Fiscal Note for Bill as Amended by Committee Amendment "A" S.236**

**Committee: Health and Human Services**

**Fiscal Note Required: Yes**

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**Fiscal Note**

Minor cost increase - General Fund

**Fiscal Detail and Notes**

Any additional cost to the Maine State Housing Authority and the Department of Human Services can be absorbed utilizing existing resources.