

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



122nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2005

Legislative Document

No. 1554

H.P. 1095

House of Representatives, April 6, 2005

**Resolve, To Establish the Commission To Study the Delivery of
Services to Maine Citizens with Brain Injuries**

(EMERGENCY)

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative LERMAN of Augusta.
Cosponsored by Senator MAYO of Sagadahoc and
Representatives: BURNS of Berwick, CRAVEN of Lewiston, CURLEY of Scarborough,
GROSE of Woolwich, MAKAS of Lewiston, PINGREE of North Haven, TRAHAN of
Waldoboro, WEBSTER of Freeport.

2 **Emergency preamble. Whereas,** acts and resolves of the
Legislature do not become effective until 90 days after
adjournment unless enacted as emergencies; and

4
6 **Whereas,** this resolve creates the Commission to Study the
Delivery of Services to Maine Citizens with Brain Injuries; and

8 **Whereas,** the study must be initiated before the 90-day
period expires in order that the study may be completed and a
report submitted in time for submission to the next legislative
session; and

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

18 **Sec. 1. Commission established. Resolved:** That the Commission
20 to Study the Delivery of Services to Maine Citizens with Brain
Injuries, referred to in this resolve as "the commission," is
22 established; and be it further

24 **Sec. 2. Commission membership. Resolved:** That the commission
consists of 23 members appointed as follows:

26 1. One member of the Senate, appointed by the President of
28 the Senate;

30 2. One member of the House of Representatives, appointed by
the Speaker of the House;

32 3. Twenty-one members appointed by the Governor as follows:

34 A. One member representing children with special health
36 care needs;

38 B. One member from the Department of Health and Human
Services, Bureau of Health;

40 C. One member from the Department of Health and Human
42 Services, Bureau of Elder and Adult Services;

44 D. One member from the Department of Education;

46 E. One member from the Department of Corrections;

48 F. One member representing people with mental health
illnesses;

50 G. One member from the Governor's office;

- 2 H. One member representing a hospital that provides acute
care;
- 4 I. One member representing the medical profession with a
6 specialty in diagnosis and treatment of brain injuries;
- 8 J. One member representing adults with brain injuries;
- 10 K. One member representing children with brain injuries;
- 12 L. One member representing families with members with brain
injuries;
- 14 M. One member from the Acquired Brain Injury Advisory
16 Council or its successor;
- 18 N. One member representing the Brain Injury Association of
America or its successor;
- 20 O. One member representing an outpatient rehabilitation
22 program;
- 24 P. One member representing a specialty residential program;
- 26 Q. One member representing a vocational rehabilitation
program;
- 28 R. One member representing the Department of Education;
- 30 S. One member representing nursing homes;
- 32 T. One member representing independent living centers; and
- 34 U. One member representing the Disability Rights Center or
36 its successor; and be it further

38 **Sec. 3. Chairs. Resolved:** That the Senate member is the
Senate chair of the commission and the House of Representatives
40 member is the House chair of the commission; and be it further

42 **Sec. 4. Appointments; convening of commission. Resolved:** That
all appointments must be made no later than 30 days following the
44 effective date of this resolve. The appointing authorities shall
notify the Executive Director of the Legislative Council once all
46 appointments have been completed. Within 15 days after
appointment of all members, the chairs shall call and convene the
48 first meeting of the commission; and be it further

2 **Sec. 5. Duties. Resolved:** That the commission shall examine
and make recommendations on the following:

4 1. The adequacy of treatment facilities and professionals
to diagnose brain injuries in order to provide effective and
6 timely services;

8 2. Third-party payment coverage, both public and private,
for services to individuals with brain injuries;

10 3. Access to services by persons with brain injuries;

12 4. The availability, accessibility and flexibility of
14 long-term community and residential support services to Maine
residents with brain injuries;

16 5. Surveillance systems for the prevention of brain
18 injuries;

20 6. The services necessary to ensure that individuals with
brain injuries are able to live as independently and successfully
22 as possible in the community with the lowest level of dependence
on the system;

24 7. The best practices in the treatment and support of
26 individuals with brain injuries; and

28 8. The necessity for essential educational initiatives on
the diagnosis of brain injuries and on the treatment and support
30 of individuals with brain injuries; and be it further

32 **Sec. 6. Staff assistance. Resolved:** That, upon approval of the
Legislative Council, the Office of Policy and Legal Analysis
34 shall provide necessary staffing services to the commission; and
be it further

36 **Sec. 7. Compensation. Resolved:** That the legislative members
38 of the commission are entitled to receive the legislative per
diem, as defined in the Maine Revised Statutes, Title 3, section
40 2, and reimbursement for travel and other necessary expenses
related to their attendance at authorized meetings of the
42 commission. Public members not otherwise compensated by their
employers or other entities that they represent are entitled to
44 receive reimbursement of necessary expenses and, upon a
demonstration of financial hardship, a per diem equal to the
46 legislative per diem for their attendance at authorized meetings
of the commission; and be it further

48 **Sec. 8. Report. Resolved:** That, no later than December 7,
50 2005, the commission shall submit a report that includes its

2 findings and recommendations, including suggested legislation,
for presentation to the Joint Standing Committee on Health and
4 Human Services and the Legislative Council. The commission is
not authorized to introduce legislation. Following receipt and
6 review of the report, the Joint Standing committee on Health and
Human Services may report out a bill to the Second Regular
8 Session of the 122nd Legislature; and be it further

10 **Sec. 9. Extension. Resolved:** That, if the commission requires
a limited extension of time to complete its study and make its
12 report, it may apply to the Legislative Council, which may grant
an extension; and be it further

14 **Sec. 10. Commission budget. Resolved:** That the chairs of the
commission, with assistance from the commission staff, shall
16 administer the commission's budget. Within 10 days after its
first meeting, the commission shall present a work plan and
18 proposed budget to the Legislative Council for its approval. The
commission may not incur expenses that would result in the
20 commission's exceeding its approved budget. Upon request from
the commission, the Executive Director of the Legislative Council
22 shall promptly provide the commission chairs and staff with a
status report on the commission budget, expenditures incurred and
24 paid and available funds.

26 **Emergency clause.** In view of the emergency cited in the
preamble, this resolve takes effect when approved.
28

30 SUMMARY

32 This resolve creates the Commission to Study the Delivery of
Services to Maine Citizens with Brain Injuries and requires the
34 commission to submit its report to the Joint Standing Committee
on Health and Human Services by December 7, 2005.
36