

# MAINE STATE LEGISLATURE

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Date: 5-26-09

(Filing No. S-229)

**LABOR**

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**STATE OF MAINE  
SENATE  
124TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 496, L.D. 1361, Bill, "An Act To Amend the Laws Governing Direct Support Providers of Shared Living Residential Services"

Amend the bill by striking out the title and substituting the following:

**'Resolve, Directing the Department of Labor and the Department of Health and Human Services To Establish a Work Group To Clarify the Working Status of Respite Care and Shared Living Residential Service Providers for Individuals with Developmental Disabilities'**

Amend the bill by striking out everything after the title and before the summary and inserting the following:

**'Sec. 1. Work group established. Resolved:** That the Commissioner of Labor and the Commissioner of Health and Human Services, within existing resources, shall establish a work group, referred to in this resolve as "the work group," to review the status of certain direct support providers with respect to certain laws, such as those governing unemployment compensation, workers' compensation and minimum wage. The commissioners shall invite the participation of representatives from each department and representatives from affected organizations including the Workers' Compensation Board, the Maine State Employees Association and the Maine Association of Community Service Providers and its members; and be it further

**Sec. 2. Examine working status of providers. Resolved:** That the work group shall examine the services and tasks performed by respite care and shared living residential service providers for adults and children with developmental disabilities to determine if there are ways to clearly identify the working status of those providers. The work group shall also examine whether statutory or regulatory actions are needed to provide clarification of the providers' status; and be it further

**Sec. 3. Reporting date established. Resolved:** That the Commissioner of Labor and the Commissioner of Health and Human Services shall report the work group's findings and any recommendations to the Joint Standing Committee on Labor by

**COMMITTEE AMENDMENT**

1 December 15, 2009, along with any statutory changes required to clarify the status of  
2 respite care and shared living residential service providers; and be it further

3 **Sec. 4. Authority to introduce legislation. Resolved:** That the Joint Standing  
4 Committee on Labor may submit legislation to the Second Regular Session of the 124th  
5 Legislature to implement the recommendations of the work group.'

6 **SUMMARY**

7 This resolve directs the Commissioner of Labor and the Commissioner of Health and  
8 Human Services to create a work group that includes the representatives from each  
9 department and members of the Workers' Compensation Board, the Maine State  
10 Employees Association and the Maine Association of Community Service Providers to  
11 examine the services and tasks performed by respite care and shared living residential  
12 service providers for adults and children with developmental disabilities to determine if  
13 there are ways to clearly identify the working status of those providers. The work group  
14 is directed also to examine whether statutory or regulatory actions are needed to provide  
15 clarification of the providers' status. The Commissioner of Labor and the Commissioner  
16 of Health and Human Services are directed to report the work group's findings and any  
17 recommendations to the Joint Standing Committee on Labor by December 15, 2009. The  
18 Joint Standing Committee on Labor is authorized to introduce legislation during the  
19 Second Regular Session of the 124th Legislature.

**FISCAL NOTE REQUIRED**  
**(See attached)**



# 124th MAINE LEGISLATURE

LD 1361

LR 1013(02)

## An Act To Amend the Laws Governing Direct Support Providers of Shared Living Residential Services

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

**Committee: Labor**

**Fiscal Note Required: Yes**

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### Fiscal Note

Minor cost increase - General Fund

#### **Fiscal Detail and Notes**

Additional costs to the Department of Health and Human Services and the Department of Labor to establish the work group, conduct the required examination and issue a report can be absorbed within existing budgeted resources. Additional costs to the Workers' Compensation Board to participate in the work group can be absorbed within existing budgeted resources.