

MAINE STATE LEGISLATURE

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2 Date: 3/28/2022

(Filing No. S-468)

3 **VETERANS AND LEGAL AFFAIRS**

4 Reproduced and distributed under the direction of the Secretary of the Senate.

5 **STATE OF MAINE**

6 **SENATE**

7 **130TH LEGISLATURE**

8 **SECOND REGULAR SESSION**

9 COMMITTEE AMENDMENT "A" to S.P. 719, L.D. 2001, "An Act To Fund and
10 Support the Veterans Homes in Caribou and Machias and Require Legislative Approval
11 for the Establishment and Closure of Veterans Homes"

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

13 **'An Act To Clarify State Policy and Legislative Intent Regarding the Maine Veterans'**
14 **Homes, To Require Notification of Closure of the Maine Veterans' Homes to the**
15 **Legislature and To Fund Public Homes in Caribou and Machias in Order To Keep**
16 **Them Open'**

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

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

20 **Whereas,** the closure of the Maine Veterans' Homes facilities in Caribou and Machias
21 will cause substantial and unnecessary harm and disruption to the veterans and the families
22 of the veterans who are under the care of these facilities; and

23 **Whereas,** closure of the Maine Veterans' Homes facilities in Caribou and Machias
24 was abruptly decided without public discussion; and

25 **Whereas,** the facilities in these locations are necessary to provide care to the veterans
26 in the surrounding rural areas; and

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

31 Amend the bill by striking out everything after the enacting clause and inserting the
32 following:

33 **'Sec. 1. 37-B MRSA §601,** as amended by PL 2015, c. 397, §4, is repealed and the
34 following enacted in its place:

COMMITTEE AMENDMENT

§601. Statement of policy; purpose; location of homes; additional services

1. Statement of policy. It is the policy of the State to ensure the provision of long-term care, support and services to eligible veterans and their family members in every region of the State and the intent of the Legislature that the Maine Veterans' Homes implement this policy by providing long-term care, support and related services to fulfill the State's moral obligation to promote the well-being and dignity of the veterans who have served their nation, often in times of war and at great cost.

2. Purpose; location of homes. The primary purpose of the Maine Veterans' Homes is to provide support and care for honorably discharged veterans who served on active duty in the United States Armed Forces or who served in the Reserves of the United States Armed Forces on active duty for other than training purposes and for any other class of veterans who meet applicable state and federal requirements to receive services provided by the Maine Veterans' Homes. The Maine Veterans' Homes provide long-term care, support and related services to eligible veterans and family members of veterans in every region of the State. To carry out the duty of providing long-term care, support and related services to eligible veterans and family members of veterans, the Maine Veterans' Homes must be located in Augusta, Bangor, Caribou, Machias, Scarborough and South Paris. The homes located in the municipalities listed in this subsection must remain in continuous operation and no location may discontinue services unless the Board of Trustees of the Maine Veterans' Homes follows the process established in section 612.

3. Additional services. In addition to the provision of long-term care, support and related services, the Maine Veterans' Homes may provide nonnursing facility care and services, including inpatient health care programs and adult day health care programs, to Maine veterans if approved by appropriate state and federal authorities. The Maine Veterans' Homes may construct community-based outpatient clinics for Maine veterans in cooperation with the United States Department of Veterans Affairs and may construct and operate veterans hospice facilities, veterans housing facilities and other facilities authorized by the Board of Trustees of the Maine Veterans' Homes, using available funds, including, but not limited to, funds sought under section 604, subsection 6. Any funds loaned to the Maine Veterans' Homes for operating purposes from the funded depreciation accounts of the Maine Veterans' Homes must be reimbursed from any funds received by the Maine Veterans' Homes and available for that purpose.

Sec. 2. 37-B MRSA §603, sub-§1, as enacted by PL 2021, c. 238, §1, is amended to read:

1. Administration of the homes. The administration of the homes is vested in the Board of Trustees of the Maine Veterans' Homes, referred to in this chapter as "the board," as authorized by Title 5, section 12004-G, subsection 34.

Sec. 3. 37-B MRSA §603, sub-§2, as enacted by PL 2021, c. 238, §1, is repealed and the following enacted in its place:

2. Appointment; composition. The board consists of 13 members, one of whom must be the Director of the Maine Bureau of Veterans' Services, ex officio, who serves without term. The Governor shall appoint the remaining members as follows:

A. Nine members from a list of nominees submitted to the Governor by the board. The list submitted by the board must include individuals recommended to the board by

1 established veterans' service organizations with chapters in the State and organizations
 2 and individuals who have demonstrated leadership in their fields; and

3 B. Three members who are not members of the United States Armed Forces or the
 4 National Guard or veterans and who are not on the list of nominees submitted by the
 5 board pursuant to paragraph A.

6 The membership of the board must reflect the diversity of the State, including, but not
 7 limited to, diversity in geographic location, cultural and ethnic background, sexual
 8 orientation, gender identity and professional experience. A majority of board members
 9 must be honorably discharged veterans.

10 **Sec. 4. 37-B MRSA §604, sub-§2**, as amended by PL 2021, c. 238, §2, is further
 11 amended to read:

12 **2. Meetings.** The board shall meet at least 4 times annually. ~~Six~~ Seven members
 13 constitute a quorum.

14 **Sec. 5. 37-B MRSA §604, sub-§6**, as amended by PL 2015, c. 397, §12, is further
 15 amended to read:

16 **6. Other funds.** ~~The board may apply for and receive any grants in aid~~ In order to
 17 ensure the continuous operation of the homes in the municipalities listed in section 601, the
 18 board shall seek funds from private and public sources, including, but not limited to, state
 19 and federal appropriations and grants for which the State or the homes may be eligible.

20 **Sec. 6. 37-B MRSA §604, sub-§7**, as amended by PL 2015, c. 397, §12, is further
 21 amended to read:

22 **7. Rules.** The board shall adopt rules necessary to administer the homes, to establish
 23 just charges for the maintenance of members and to oversee the operation of the homes. In
 24 adopting rules, the board shall seek comments and information from staff of the homes,
 25 members, members' families, members of the public and other relevant sources, but the
 26 Maine Administrative Procedure Act provisions regarding rulemaking, Title 5, chapter 375,
 27 subchapters 2 and 2-A, do not apply.

28 **Sec. 7. 37-B MRSA §604, sub-§8**, as enacted by PL 1987, c. 11, §2, is amended
 29 to read:

30 **8. Assistance.** ~~Every~~ The Legislature and every department and agency of the State,
 31 ~~when requested,~~ may furnish such assistance, counsel or advice as the board may request
 32 or require in the discharge of its duties.

33 **Sec. 8. 37-B MRSA §611**, as amended by PL 2015, c. 397, §18, is further amended
 34 to read:

35 **§611. Reports Annual reports**

36 ~~The~~ By February 15, 2023 and annually thereafter, the board shall submit an annual a
 37 report to the Governor and the joint standing committee of the Legislature having
 38 jurisdiction over veterans affairs. This report must contain a copy of audited financial
 39 statements, statistics on members who resided in the homes during the year, any
 40 amendments to the rules regarding the administration of the homes made by the board since
 41 its last report on the administration of the homes, a description of any efforts to seek
 42 funding as required under section 604, subsection 6, recommendations to the Governor and

Legislature and information regarding such other matters as the board deems considers pertinent. The joint standing committee of the Legislature having jurisdiction over veterans affairs may report out legislation based upon the report.

Sec. 9. 37-B MRSA §612 is enacted to read:

§612. Establishment; discontinuation of services

The board may not establish a Maine Veterans' Homes location or discontinue services at a Maine Veterans' Homes location except as authorized by this section.

1. Notification in annual report. If the board proposes to authorize the establishment of or discontinuation of services at a public home for veterans, the board shall notify the President of the Senate, the Speaker of the House of Representatives and the joint standing committee of the Legislature having jurisdiction over veterans affairs of the board's proposal in the annual report required under section 611. The board shall also provide the following information in the annual report:

A. The financial and demographic data for the regions served by the home intended to be established or whose services are intended to be discontinued, including, but not limited to, any information regarding services necessary to meet the needs of eligible veterans and their families in the region;

B. The board's plan for the care of the veterans receiving care or intended to receive care at the home and the family members of those veterans; and

C. If services are proposed to be discontinued, the board's plan for the use or disposition of facilities after services are discontinued.

2. Public meeting required. Within 30 days of receiving an annual report proposing the establishment of or discontinuation of services at a home in accordance with this section, the joint standing committee of the Legislature having jurisdiction over veterans affairs, with as much public notice as possible, shall hold a public meeting at which board members must present the reasons for the board's proposal and the committee shall accept public comments on the proposal. The committee may report out legislation based upon the information received at the meeting.

3. Authorization by board. The board may not establish a public home for veterans or authorize the discontinuation of services at a public home for veterans until 90 days have passed since adjournment of the legislative session in which the board included in its annual report required in section 611 the proposal to establish or discontinue services at that public home for veterans.

If the board establishes a public home for veterans or authorizes the discontinuation of services at a public home for veterans, the board shall notify the President of the Senate, the Speaker of the House of Representatives and the joint standing committee of the Legislature having jurisdiction over veterans affairs of the establishment of or discontinuation of services at the home in the first annual report required under section 611 following the establishment of or discontinuation of services at the home. The joint standing committee may report out a bill to amend section 601 if necessary.

Sec. 10. Maine Veterans' Homes; Caribou and Machias locations. Notwithstanding any decision of the Board of Trustees of the Maine Veterans' Homes prior to the effective date this section, the Maine Veterans' Homes located in Caribou and

Machias may not be closed until the Board of Trustees of the Maine Veterans' Homes submits a report under the Maine Revised Statutes, Title 37-B, section 611 that includes a proposal to close those homes and the process required under Title 37-B, section 612 has been followed.

Sec. 11. Maine Veterans' Homes; stakeholder group. The Board of Trustees of the Maine Veterans' Homes, in collaboration with the Commissioner of Defense, Veterans and Emergency Management and the Commissioner of Health and Human Services, shall convene a group of relevant stakeholders to develop a plan for the long-term viability and continuous operation of the Maine Veterans' Homes locations designated in the Maine Revised Statutes, Title 37-B, section 601. The stakeholder group must include or seek input from veterans and their families, employees of the Maine Veterans' Homes and people in the communities served by the Maine Veterans' Homes. The board shall present a report summarizing the findings and recommendations of the stakeholder group to the joint standing committee of the Legislature having jurisdiction over veterans affairs no later than February 15, 2023.

Sec. 12. Department of Health and Human Services to amend rules; Maine Veterans' Homes. The Department of Health and Human Services shall allocate a total supplemental payment of \$1,063,830 in fiscal year 2021-22 as described in this section. The department shall amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 67, Principles of Reimbursement for Nursing Facilities, to allocate a supplemental payment of \$2,442,200 in fiscal year 2022-23 to the Maine Veterans' Homes to offset budget shortfalls. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A. The department, in its rulemaking, shall allocate funding in a manner that addresses Maine Veterans' Homes shortfalls on a basis proportional to the shortfall of each Maine Veterans' Homes nursing facility. As a condition of receiving the supplemental payments, the Maine Veterans' Homes must commit to continue to provide all services that were offered at the Caribou and Machias homes on October 27, 2021.

Sec. 13. Appropriations and allocations. The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF
Nursing Facilities 0148**

Initiative: Provides one-time supplemental payments to the Department of Health and Human Services for the purpose of making supplemental payments to the Maine Veterans' Homes.

GENERAL FUND	2021-22	2022-23
All Other	\$1,000,000	\$750,000
GENERAL FUND TOTAL	\$1,000,000	\$750,000
FEDERAL EXPENDITURES FUND	2021-22	2022-23
All Other	\$0	\$1,545,668
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$1,545,668

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
All Other	\$63,830	\$146,532
OTHER SPECIAL REVENUE FUNDS TOTAL	\$63,830	\$146,532

Amend the bill by adding before the summary the following:

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

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment changes the title of the bill and strikes and replaces the bill to do the following.

1. It makes the bill an emergency.
2. It establishes the policy and intent of the Legislature in establishing the Maine Veterans' Homes, which must have locations in the municipalities of Augusta, Bangor, Caribou, Machias, Scarborough and South Paris.
3. It adds 3 civilian members, appointed by the Governor, to the Board of Trustees of the Maine Veterans' Homes.
4. It requires that the Maine Veterans' Homes must seek funds from private and public sources, including, but not limited to, state and federal appropriations and grants for which the State or the homes may be eligible.
5. It requires that the Board of Trustees of the Maine Veterans' Homes must seek comments from the public when adopting rules.
6. It requires the Maine Veterans' Homes to submit in its annual report to the Governor and the joint standing committee of the Legislature having jurisdiction over veterans affairs a description of any efforts to seek funding and information regarding any proposal to discontinue services at a location of the Maine Veterans' Homes or establish a new location of the Maine Veterans' Homes and any amendments to the rules necessary to administer the homes. It allows the committee to report out legislation based upon the report.
7. It establishes requirements that the Board of Trustees of the Maine Veterans' Homes must follow when authorizing the establishment of or discontinuation of services at a public home for veterans.
8. It requires the Board of Trustees of the Maine Veterans' Homes, in collaboration with the Commissioner of Defense, Veterans and Emergency Management and the Commissioner of Health and Human Services, to convene a group of relevant stakeholders to develop a plan for the long-term viability and continuous operation of the Maine Veterans' Homes locations designated in the amendment. The board is required to report that plan to the joint standing committee of the Legislature having jurisdiction over veterans affairs in its annual report presented to the committee in February 2023.

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COMMITTEE AMENDMENT "A" to S.P. 719, L.D. 2001 (S-468)

- 1 9. It directs the Department of Health and Human Services to make supplemental
- 2 payments to the Maine Veterans' Homes in fiscal years 2021-22 and 2022-23 to offset
- 3 budget shortfalls. As a condition of receiving the supplemental payments, the Maine
- 4 Veterans' Homes must commit to continue providing services in Caribou and Machias.

5 **FISCAL NOTE REQUIRED**

6 (See attached)

**130th MAINE LEGISLATURE****LD 2001****LR 2636(02)****An Act To Fund and Support the Veterans Homes in Caribou and Machias and Require Legislative Approval for the Establishment and Closure of Veterans Homes****Fiscal Note for Bill as Amended by Committee Amendment "A" (S-468)****Committee: Veterans and Legal Affairs****Fiscal Note Required: Yes**

Fiscal Note

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Net Cost (Savings)				
General Fund	\$1,000,000	\$750,000	\$0	\$0
Appropriations/Allocations				
General Fund	\$1,000,000	\$750,000	\$0	\$0
Federal Expenditures Fund	\$0	\$1,545,668	\$0	\$0
Other Special Revenue Funds	\$63,830	\$146,532	\$0	\$0

Fiscal Detail and Notes

The bill includes General Fund appropriations to the Department of Health and Human Services of \$1,000,000 in fiscal year 2021-22 and \$750,000 in fiscal year 2022-23 for one-time supplemental payments to Maine Veterans' Homes. Federal Expenditures Fund allocations are also included in this bill for the FMAP match and Other Special Revenue Funds allocations for the Service Provider Tax.