

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

Chapters 1 - 502

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J.S. McCarthy Company
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1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

a claimant's personal representative or attorney shall file a written notice containing:

- A. The name and address of the claimant, and the name and address of his the claimant's attorney or other representative, if any;
- B. A concise statement of the basis of the claim, including the date, time, place and circumstances of the act, omission or occurrence complained of;
- C. The name and address of any governmental employee involved, if known;
- D. A concise statement of the nature and extent of the injury claimed to have been suffered; and
- E. A statement of the amount of monetary damages claimed.

See title page for effective date.

CHAPTER 328

H.P. 1082 - L.D. 1504

An Act to Continue Habilitation and Vocational Rehabilitation Services to Eligible Clients

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

Whereas, under current law eligibility for certain habilitation and vocational rehabilitation services ends when the client reaches age 26; and

Whereas, this legislation must be effective sooner than 90 days after the end of the legislative session in order to avoid interruption of important services to clients who will become 26 before that time; and

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

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

34-B MRSA §5609, sub-§1, ¶C is enacted to read:

C. All clients served under this program prior to their 26th birthday shall be allowed to continue to receive services through the voucher system established by subsection 2.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 16, 1989.

CHAPTER 329

S.P. 520 - L.D. 1427

An Act to Combine and Coordinate Services to Maine's Elderly with Services to Other Adults in a Single Bureau of the Department of Human Services

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

Sec. 1. 22 MRSA §1, 3rd ¶, as amended by PL 1985, c. 785, Pt. B, §82, is further amended to read:

The commissioner may employ any bureau and division heads, deputies, assistants and employees who may be necessary to carry out the work of the department. All personnel of the department shall be under the immediate supervision, direction and control of the commissioner. These personnel shall be employed subject to the Civil Service Law, except the: Deputy Commissioner; Director, Bureau of Social Services; Director, Bureau of ~~Maine's Elderly~~ Elder and Adult Services; Director, Bureau of Health; Director, Bureau of Rehabilitation; Director, Bureau of Income Maintenance; Director, State Health Planning and Development Agency; Director, Bureau of Medical Services; and Assistant Deputy Commissioners.

Sec. 2. 22 MRSA §1, 4th ¶, as repealed and replaced by PL 1977, c. 674, §19, is amended to read:

The Director, Bureau of Resource Development and the Director, Bureau of ~~Maine's Elderly~~ Elder and Adult Services, shall be appointed by the commissioner, after consultation with the Maine Committee on Aging and the Maine Human Services Council. Each of these directors shall be appointed and serve in the unclassified service at the pleasure of the commissioner. Any vacancy in each of these positions shall be filled by appointment as in this paragraph for a like term.

Sec. 3. 22 MRSA §3472, sub-§2-A is enacted to read:

2-A. Bureau. "Bureau" means the Bureau of Elder and Adult Services of the Department of Human Services.

Sec. 4. 22 MRSA §3472, sub-§§4 and 5, as amended by PL 1981, c. 527, §2, are amended to read:

4. Commissioner. "Commissioner" means the Commissioner of Human Services or ~~his~~ a designated representative in the geographical area in which the person resides or is present or, in the case of mentally retarded adults, the Commissioner of Mental Health and Mental Retardation or ~~his~~ a designated representative in the geographical area in which the person resides or is present.

5. Department. "Department" means either the Department of Human Services and through its Bureau of Elder and Adult Services or, in the case of mentally retarded

adults, the Commissioner of Mental Health and Mental Retardation.

Sec. 5. 22 MRSA §3472, sub-§10, as enacted by PL 1981, c. 527, §2, is amended to read:

10. Incapacitated adult. "Incapacitated adult" means any adult who is impaired by reason of mental illness, mental deficiency, physical illness or disability to the extent that ~~he~~ that individual lacks sufficient understanding or capacity to make or communicate responsible decisions concerning ~~his~~ that individual's person, or to the extent the adult cannot effectively manage or apply ~~his~~ that individual's estate to necessary ends.

Sec. 6. 22 MRSA Sub-t. 4, Pt. 1, first 2 lines, are repealed and the following enacted in their place:

PART 1

SERVICES TO MAINE'S AGING AND ADULTS

Sec. 7. 22 MRSA §5104, sub-§§1-A and 1-B are enacted to read:

1-A. Adult. "Adult" means any person who has attained the age of 18 years or who is a legally emancipated minor.

1-B. Aging, elderly or older person. "Aging, elderly or older person" are synonymous terms, and mean any person 60 years of age or older or any person otherwise described as elderly or older for the purpose of eligibility for assistance or services under specific federal or state laws and programs.

Sec. 8. 22 MRSA §5104, sub-§2, as amended by PL 1975, c. 293, §4, is further amended to read:

2. Bureau or state agency. "Bureau or state agency" means the Bureau of ~~Maine's Elderly~~ Elder and Adult Services, Maine Department of Human Services.

Sec. 9. 22 MRSA §5104, sub-§5-A is enacted to read:

5-A. Dependent adult. "Dependent adult" means any adult who is wholly or partially dependent upon one or more other persons for care or support, either emotional or physical, and who would be in danger if that care or support were withdrawn. For the purpose of this Part only, the term "dependent adult" excludes any adult who is mentally retarded.

Sec. 10. 22 MRSA §5104, sub-§6, as amended by PL 1975, c. 293, §4, is further amended to read:

6. Director. "Director" means the Director, Bureau of ~~Maine's Elderly~~ Elder and Adult Services, Department of Human Services.

Sec. 11. 22 MRSA §5104, sub-§7, as enacted by PL 1973, c. 793, §3, is repealed.

Sec. 12. 22 MRSA §5104, sub-§7-A is enacted to read:

7-A. Incapacitated adult. "Incapacitated adult" means any adult who is impaired by reason of mental illness, mental deficiency, physical illness or disability to the extent that the adult lacks sufficient understanding or capacity to make or communicate responsible decisions concerning that individual's person, or to the extent the adult cannot effectively manage or apply that individual's estate to necessary ends. For the purpose of this Part only, the term "incapacitated adult" excludes any adult who is mentally retarded.

Sec. 13. 22 MRSA §5104, sub-§8, as amended by PL 1981, c. 470, Pt. A, §103, is further amended to read:

8. Nonprofit organization. "Nonprofit organization" means any agency, institution or organization which is, or is owned and operated by, one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual and which has a territory of operations that may extend to a neighborhood or community region or the State of Maine.

Sec. 14. 22 MRSA c. 1453, first 2 lines, are repealed and the following enacted in their place:

CHAPTER 1453

BUREAU OF ELDER AND ADULT SERVICES

Sec. 15. 22 MRSA §5105, as amended by PL 1985, c. 785, Pt. B, §94, is further amended to read:

§5105. Bureau of Elder and Adult Services

There shall be within the Department of Human Services the Bureau of ~~Maine's Elderly~~ Elder and Adult Services. It shall be a separate, distinct administrative unit, which shall not be integrated in any way as a part or function of any other administrative unit of the department. It shall be equal in organizational level and status with other major organizational units within the department or its successors. The bureau shall be under the immediate and full supervision, direction and control of the commissioner or the chief officer of whatsoever unit shall succeed the department.

It is the intent of this Part that the bureau shall function as a central office administrative unit of the department with the advice of the committee and that the powers, duties, authority and responsibility of the bureau shall not be delegated, decentralized or assigned to regional, local or other units of the department, except as provided in this section and section 5112. Regarding the provision of human services by the bureau directly to eligible people, the bureau may carry out its powers and duties through regional or other administrative units of the department or State Government. Regarding any portion of this Part which relates to development, execution and monitoring of agreements, the bureau shall carry out its powers and duties directly with public and private, nonprofit agencies without acting through other administrative units of the department as intermediar-

ies. Functions relating to agreements, except those funded by Title VI, or their successors or amendments or additions thereto, of the United States Social Security Act, as amended, shall not require the approval of any other unit of the department, except as the bureau is responsible and accountable to the commissioner, and except as the bureau shall function with the advice of the committee pursuant to section 5112, and with the advice of the appropriate agency designated pursuant to section 5116, subsection 1, paragraph B.

~~The bureau shall be the sole agency of State Government responsible for administration of this Part, subject to the direction of the commissioner. The bureau shall fully coordinate with appropriate agencies of State Government and shall fully utilize existing support services.~~

The bureau shall be administered by a director who shall be appointed as provided in section 1.

The director shall be a person qualified by training and experience ~~with the status of Maine's elderly program relating to them or by satisfactory experience of a comparable nature in the direction, organization and administration of programs affecting older persons to administer programs for Maine's aging and adult population.~~ The director shall be immediately and fully responsible to the commissioner and shall not be partially or indirectly responsible to any other official of the department.

The director shall serve full time ~~in a position that is separate from and not integrated in any way with another position in the department.~~ The director shall not concurrently hold another title and shall perform duties solely germane to the powers and duties pursuant to this Part.

~~The director shall possess full authority and responsibility for administering all the powers and duties of the bureau provided in section 5106, with the advice of the committee pursuant to section 5112, subject to the direction of the commissioner, and except as otherwise provided by statute. The director shall assume and discharge all responsibilities vested in the bureau. He shall not in any case assign to another unit of the department which is not responsible to him any power or duty granted to the bureau of statute, or by rules, regulations or procedures adopted pursuant to this Part.~~

The director may employ, subject to the Civil Service Law and within the limits of available funds, competent professional personnel and other staff necessary to carry out the purposes of this Part. ~~He~~ The director shall prescribe the duties of staff and ~~assign a sufficient number of staff full time to the bureau to achieve its powers and duties.~~ He The director may arrange to house staff or assign staff who are responsible to ~~him~~ the director to an area agency designated pursuant to section 5116, subsection 1, paragraph B. ~~Such staff~~ Staff shall report solely and directly to the director. Staff shall not be housed in or assigned to any other organizational unit of the department, except as provided by this section and sections 5104-A and 5111. Regarding the provision of services directly to eligible people, the director may arrange to house staff or assign staff who are responsible to the

director to regional or other units of the department or State Government.

Sec. 16. 22 MRSA §5106, as amended by PL 1983, c. 523, §1, is further amended to read:

§5106. Powers and duties

The bureau shall establish, in accordance with the purposes and intent of this Part, with the advice of the committee and subject to the direction of the commissioner, the overall planning, policy, objectives and priorities for all functions and activities ~~relating to Maine's elderly, which are conducted or supported in the State of Maine~~ which relate to Maine's aging population and incapacitated and dependent adults. In order to carry out the above, the bureau shall have the power and duty to:

1. **Encourage and assist development.** Encourage and assist development of more coordinated use of existing and new resources and services relating to Maine's elderly, aging population and incapacitated and dependent adults;

2. **Information system.** Develop and maintain an up-to-date information system related to Maine's elderly aging population and incapacitated and dependent adults. The information shall be available for use by the people of Maine, the political subdivisions, public and private non-profit agencies and the State. Educational materials shall be prepared, published and disseminated. Objective devices and research methodologies shall be continuously developed. Maintaining statistical information through uniform methods which are reasonably feasible and economically efficient shall be specified for use by public and private agencies, organizations and individuals. Existing sources of information shall be used to the fullest extent possible, while maintaining confidentiality safeguards of state and federal law. Information may be requested and shall be received from any State Government or public or private agency. To the extent reasonable and feasible, information shall maintain compatibility with federal information sharing standards.

Functions of ~~the elderly~~ this information system shall include, but not be limited to:

A. Conducting research on the causes and nature of problems relating to ~~elderly people~~ Maine's aging population and incapacitated and dependent adults;

B. Collecting, maintaining and disseminating such knowledge, data and statistics related to ~~elderly persons~~ Maine's aging population and incapacitated and dependent adults as will enable the bureau to fulfill its responsibilities;

C. Determining through a detailed survey the extent of problems relating to ~~elderly persons~~ Maine's aging population and incapacitated and dependent adults and the needs and priorities for solving such problems in the state and political subdivisions;

D. Maintaining an inventory of the types and quantity of facilities, programs and services operated under public or private auspices for elderly people Maine's aging population and incapacitated and dependent adults. This function shall include: The unduplicated count, location and characteristics of people served by each facility, program or service; and the amount, type and source of resources supporting functions related to the elderly Maine's aging population and incapacitated and dependent adults; and

E. Conducting a continuous evaluation of the impact, quality and value of facilities, programs and services, including their administrative adequacy and capacity. Activities operated by or with the assistance of the State and Federal Governments shall be evaluated. Activities to be included, but to which the bureau shall not be limited, are those relating to education, employment and vocational services, income, health, housing, transportation, community, social and rehabilitation, protective services and public guardianship or conservatorship for older people and incapacitated and dependent adults and programs such as the supplemental security income program, Medicare, Medicaid, property tax refunds and the setting of standards for the licensing of nursing, intermediate care and boarding homes. Included shall be activities as authorized by this and so much of the several Acts and amendments to them enacted by the people of the State, and those authorized by United States Acts and amendments to them such as the:

- (1) Elderly Householders Tax and Rent Refund Act of 1971;
- (2) Priority Social Services Act of 1973;
- (3) Chapter 470 of the public laws of 1969 creating the State Housing Authority;
- (4) United States Social Security Act of 1935;
- (5) United States Housing Act of 1937;
- (6) United States Older Americans Act of 1965; and
- (7) United States Age Discrimination Act of 1967;
- (8) Home Based Care Act of 1981;
- (9) Congregate Housing Act of 1979;
- (10) Adult Day Care Services Act of 1983;
- (11) Adult Day Care Licensing Act of 1987;
- (12) Adult Protective Services Act of 1981;
and
- (13) The Uniform Probate Code, Title 18-A;

3. Coordination of efforts. Assist, with the advice of the committee, the Legislative and Executive Branches of State Government, especially the Governor, Commissioner of Human Services and Bureau of the Budget, to coordinate all State Government efforts relating to elderly people Maine's aging population and incapacitated and dependent adults, by:

A. Submitting to each branch of State Government no later than September 1st of each year an annual report covering its activities for the immediately past fiscal year and future plans, including recommendations for changes in state and federal laws, and including reports of the committee;

B. Reviewing all proposed legislation, fiscal activities, plans, policies and other administrative functions relating to elder people Maine's aging population and incapacitated and dependent adults made by or requested of all state agencies. The bureau shall have the authority to submit to those bodies findings, comments and recommendations, which shall be advisory. Such findings and comments shall recommend what modification in proposals or actions shall be taken to make proposed legislation, fiscal activities and administrative activities consistent with such policies and priorities; and

C. Making recommendations to the respective branches of State Government related to improving the quality of life of elder people Maine's aging population and incapacitated and dependent adults and shall consult with and be consulted by all responsible state agencies regarding the policies, priorities and objectives of functions related to elder people Maine's aging population and incapacitated and dependent adults;

4. Comprehensive state plan. Prepare and administer a comprehensive state plan relating to elder people Maine's aging population and incapacitated and dependent adults, developed by the bureau with the advice of the committee and subject to the direction of the commissioner. The comprehensive state plan shall be implemented for the purpose of coordinating all activities and of assuring compliance with applicable state and federal laws and regulations and with the state plan relating to elder people Maine's aging population and incapacitated and dependent adults. Implementation of this duty shall mean that the bureau shall have the authority, through a review process, to advise on the preparation and administration of any portion of any state plan relating to elder people Maine's aging population and incapacitated and dependent adults, prepared and administered by any agency of State Government for submission to the Federal Government to obtain federal funding under federal legislation. Such state plans, or portions thereof, shall include, but not be limited to, all state plans dealing with education, employment and vocational services, income, health, housing, protective services, public guardianship and conservatorship, rehabilitation, social services, transportation and welfare. The bureau shall advise the commissioner and Governor on preparation of and provisions to be in-

cluded in such plans relating to ~~older people~~. Maine's aging population and incapacitated and dependent adults;

5. Programs. Plan, establish and maintain necessary or desirable programs for individuals or groups of individuals. The bureau may use the full range of its powers and duties to serve ~~older persons~~ Maine's aging population and incapacitated and dependent adults through indirect services provided by agreement and through direct services provided by state employees.;

6. Organizational unit. Function as the organizational unit of State Government with sole responsibility for conducting and coordinating, with the advice of the committee and subject to the direction of the commissioner, programs authorized by this Part and so much of the several Acts, amendments and successors to them enacted by the people of the State and those authorized by the United States Acts, amendments and successors to them as relate to ~~older people~~ Maine's aging population and incapacitated and dependent adults;

- A. The 1973 Act of Maine's Elderly;
- B. The Priority Social Service Act of 1973, including only meals for older people, transportation for older people and coordinated elderly programs; and
- C. The United States Older Americans Act of 1965 ; and
- D. Adult Protective Services Act of 1981.

The bureau is designated as the single agency of State Government solely responsible for administering, subject to the direction of the commissioner, any state plans as may be required by the above Acts, and for administering programs of Acts of the State or United States relating to ~~older people~~ Maine's aging population and incapacitated and dependent adults which are not the specific responsibility of another state agency under state or federal law;

7. Mobilize resources. Help communities mobilize their resources to benefit ~~older people~~ Maine's aging population and incapacitated and dependent adults. The bureau shall provide or coordinate the provision of information, technical assistance and consultation to state, regional and local governments, and to public and private nonprofit agencies, institutions, organizations and individuals. The help shall be for the purpose of encouraging, developing and assisting with the initiation, establishment and administration of any plans, programs or services with a view to the establishment of a state-wide statewide network of comprehensive, coordinated services and opportunities for ~~older people~~ Maine's aging population and incapacitated and dependent adults. Included in this duty is authority to coordinate the efforts and enlist the assistance of all public and private agencies, organizations and individuals interested in Maine's elderly. ~~The support and assistance of interested persons in the community, particularly older people, shall be utilized to encourage older people to lead a life of value~~ aging population and incapacitated and dependent adults;

8. Funds. Seek and receive funds from the Federal Government and private sources to further its activities. Included in this function is authority to solicit, accept, administer, disburse and coordinate for the State in accordance with the intent, objectives and purposes of this Part; and within any limitation which may apply from the sources of such funds, the efforts to obtain and the use of any funds from any source to benefit ~~older people~~ Maine's aging population and incapacitated and dependent adults. Any gift of money or property made by will or otherwise, and any grant or other funds appropriated, services or property available from the Federal Government, the State or any political subdivision thereof and from all other sources, public or private, may be accepted and administered. The bureau may do all things necessary to cooperate with the Federal Government or any of its agencies in making application for any funds. Included in this duty is authority to advise regarding the disbursement of all state funds, or funds administered through agencies of State Government, appropriated or made available to benefit Maine's ~~elderly~~ aging population and incapacitated and dependent adults;

9. Agreements. Enter into agreements necessary or incidental to the performance of its duties. Included is the power to make agreements with qualified community, regional and state level, private nonprofit and public agencies, organizations and individuals in this and other states to develop or provide facilities, programs and services for ~~older people~~ Maine's aging population and incapacitated and dependent adults. Agreements with such agencies, organizations and individuals shall be executed only with agencies reviewed by the committee pursuant to section 5112, subsection 4, and the area agency pursuant to section 5116, subsection 1, paragraph B. The bureau may engage expert advisors and assistants, who may serve without compensation or may be compensated to the extent funds may be available by appropriation, grant or allocation from a state department. The bureau may pay for such expert advisors or assistants.;

10. Rules and regulations. Prepare, adopt, amend, rescind and administer, with the advice of the committee and subject to the direction of the commissioner, policies, priorities, procedures, rules and regulations to govern its affairs and the development and operation of facilities, programs and services. The bureau may adopt rules to carry out the powers and duties pursuant to this Part and in accordance with the purpose and objectives of this Part. It shall especially adopt such rules and regulations as may be necessary to define contractual terms, conditions of agreements and all other rules as are necessary for the proper administration of this Part. Such adoption, amendment and rescission shall be made as provided under the Maine Administrative Procedure Act, Title 5, chapter 375;

11. Educational program. Develop and implement, as an integral part of programs, an educational program. Assist in the development of, and cooperation with, educational programs for employees of state and local governments and businesses and industries in the State. Convene and conduct conferences of public and private nonprofit organizations concerned with the development and operation of programs for ~~older people~~ Maine's aging population and incapacitated and dependent adults. Included shall be

the power to sponsor in cooperation with the committee the Blaine House Conference on Aging.;

11-A. Elderly Legal Services Program. Support and maintain an Elderly Legal Services Program, by agreement with such nonprofit organization as the ~~Bureau of Maine's Elderly~~ bureau finds best able to provide direct services to those of Maine's elderly in greatest economic and social need throughout the State.;

11-B. Adult protective services. Administer a program of protective services as provided in chapter 958-A designed to protect incapacitated and dependent adults, other than adults who are mentally retarded, from abuse, neglect, exploitation and physical danger. The program is described in the Adult Protective Services Act, sections 3471 to 3492;

12. Training programs. Foster, develop, organize, conduct or provide for the conduct of training programs for persons in the field of servng elder people. Maine's aging population and incapacitated and dependent adults;

13. Coordinate activities. Coordinate activities and cooperate with programs in this and other states for the common advancement of programs for elder people. Maine's aging population and incapacitated and dependent adults;

14. Establish and maintain an office. Establish and maintain an office at the department's general headquarters; and

15. Duties. Do such other acts and exercise such other powers necessary or convenient to execute and carry out the purposes and authority expressly granted in this Part.

Sec. 17. 22 MRSA §5153, first ¶, as repealed and replaced by PL 1983, c. 695, §3, is amended to read:

The Department of Human Services, Bureau of ~~Maine's Elderly Elder and Adult Services~~, with advice from the Maine Committee on Aging, the Maine State Housing Authority, the Farmers' Home Administration or other housing agency financing the congregate housing facility, shall administer state funded congregate housing services programs for the elderly. Administration shall include, but not be limited to:

Sec. 18. 22 MRSA §5154, first ¶, as enacted by PL 1983, c. 695, §4, is amended to read:

The Department of Human Services, Bureau of ~~Maine's Elderly Elder and Adult Services~~, may promulgate and adopt rules for a voluntary certification program for all congregate housing services programs operating in the State, regardless of their funding source. The rules shall include:

Sec. 19. 22 MRSA §5304, sub-§3, as amended by PL 1975, c. 293, §4, is further amended to read:

3. Bureau of Elder and Adult Services. "Bureau of ~~Maine's Elderly Elder and Adult Services~~" means the Bu-

reau of ~~Maine's Elderly Elder and Adult Services~~, Maine Department of Human Services.

Sec. 20. 22 MRSA §5304, sub-§9, as amended by PL 1975, c. 293, §4, is further amended to read:

9. Director, Bureau of Elder and Adult Services. "Director, Bureau of ~~Maine's Elderly Elder and Adult Services~~" means Director, Bureau of ~~Maine's Elderly Elder and Adult Services~~, Maine Department of Human Services.

Sec. 21. 22 MRSA §6108, as amended by PL 1977, c. 317, §1, is further amended to read:

§6108. Administration of priority social services for Maine's elderly

The Bureau of ~~Maine's Elderly Elder and Adult Services~~, Department of Human Services or its successors, is designated as the organizational unit of State Government with sole responsibility for administrating, with the advice of the Maine Committee on Aging, and subject to the direction of the commissioner, so much of the Priority Social Services Program as relates directly to older people, such as, but not limited to, these types of social services: Meals for older people, transportation for older people and health and home care needs for the elderly.

Regarding priority social services for older people, the Bureau of ~~Maine's Elderly Elder and Adult Services~~ shall have the powers and duty to:

1. Administer priority social services. Administer ~~such~~ priority social services in accordance with the intent, objectives and purposes of this Part and shall have, in any respects that relate to ~~such~~ these priority social services, the powers and duties set forth in section 5310; and

2. Action to insure consistency of priority social services. Prepare, adopt, amend, rescind and administer, with the advice of the Maine Committee on Aging, policies, priorities, procedures, rules and regulations. The Bureau of ~~Maine's Elderly Elder and Adult Services~~ and the Bureau of Human Resources, respectively, shall take, pertaining to their own policies, priorities, procedures, rules and regulations, such action as is necessary to insure that such items pertinent to priority social services are consistent.

Sec. 22. 22 MRSA §6203, sub-§2, as enacted by PL 1983, c. 545, §1, is amended to read:

2. Agreements. In order to provide adult day care and other services, the department and the Bureau of ~~Maine's Elderly Elder and Adult Services~~ may enter into agreements with long-term health care facilities, separate and distinct from any other agreements between the department and the same facility.

Any facility participating in this demonstration shall enter into an agreement with the department. Each agreement shall specify, among other things, the services to be provided, the fees for services, the method of payment, records to be

maintained and the provisions for evaluating the services provided.

Sec. 23. 22 MRSA §6204, sub-§1, as enacted by PL 1983, c. 545, §1, is amended to read:

1. **Adult day care.** Thirty-two individuals may be served in adult day care during the demonstration. The Bureau of ~~Maine's Elderly~~ Elder and Adult Services shall establish criteria for making awards for adult day care, with provisions to allow adult day care demonstrations in each of the 5 regions of the State.

See title page for effective date.

CHAPTER 330

S.P. 506 - L.D. 1394

An Act Making Changes to the Composition of the Governor's Advisory Council on Alcoholism

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

Sec. 1. 22 MRSA §7108, first ¶, as amended by PL 1983, c. 464, §13, is further amended to read:

The council shall consist of no more than ~~25~~ 30 members who, excepting members representing the Legislature, shall be appointed by the Governor. To be qualified to serve, members shall have education, training, experience, knowledge, expertise and interest in drug abuse prevention and training. Members shall be residents of different geographical areas of the State, who reflect experiential diversity and concern for drug abuse prevention and treatment in the State.

Sec. 2. 22 MRSA §7108, 3rd ¶, as amended by PL 1983, c. 464, §13, is further amended to read:

Membership shall include representatives of non-governmental organizations or groups and of public agencies concerned with prevention and treatment of alcoholism, alcohol abuse, drug abuse and drug dependence. At least 2 members of the council shall be current members of the Legislature, consisting of one ~~Member member~~ Member member from the House of Representatives appointed by the Speaker of the House of Representatives to serve at ~~his~~ the Speaker's pleasure and one ~~Member member~~ Member member from the Senate appointed by the President of the Senate to serve at ~~his~~ the President's pleasure. Two of the private citizen members shall be between the ages of 16 and 21. At least ~~4~~ 2 members shall be officials of public or private nonprofit community level agencies who are actively engaged in drug abuse prevention or treatment in public or private nonprofit community agencies ~~or members of the regional alcohol and drug abuse councils located throughout the State.~~ One of the private citizen members shall be the President or the President's designee of the National Council of on Alcoholism in this State Maine, Incorporated. Membership shall include the executive direc-

tors or the executive directors' designees of the 5 regional alcohol and drug abuse councils located throughout the State. Membership may also include, but not be limited to, representatives of professions such as law, law enforcement, medicine, pharmacy, the insurance industry, businesses with employee assistance programs and teaching. Membership shall also include at least 2 representatives of public education, 2 representatives from the field of mental health and mental retardation, 2 representatives from the field of corrections and criminal justice and 2 representatives from the field of social services. Appointments to the council shall be made so as to insure that at least 6 members shall be persons affected by or recovered from alcoholism, chronic intoxication, drug abuse or drug dependency, having evidenced a minimum of 3 years of sobriety or abstinence from drug abuse.

See title page for effective date.

CHAPTER 331

S.P. 501 - L.D. 1375

An Act Regarding the Potential Health Hazards of Paint Removal by Means of Heat

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

22 MRSA §1317-B, as enacted by PL 1975, c. 239, §4, is amended to read:

§1317-B. Educational and publicity program

The commissioner shall institute an educational and publicity program in order to inform the general public of the dangers, frequency and sources of lead poisoning, and the methods of preventing such poisoning. The program shall include, but not be limited to, information warning the public that fire hazards and toxic and harmful fumes may be created by the use of gas, propane gas, electricity or other heat generating mechanisms to remove lead-based substances from painted surfaces.

See title page for effective date.

CHAPTER 332

H.P. 884 - L.D. 1228

An Act to Clarify the Authority of Personal Care Assistants under the Supervision of Persons in a Consumer-directed Services Program

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

22 MRSA §7302, sub-§8, as enacted by PL 1981, c. 511, §1, is amended to read: