

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

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

1989-90 1990-91

**PROFESSIONAL AND FINANCIAL
REGULATION, DEPARTMENT OF**

**Board of Licensure for
Professional Land Surveyors**

Positions	(1)	(1)
Personal Services	\$23,500	\$25,000

See title page for effective date.

CHAPTER 347

S.P. 110 - L.D. 165

An Act to Provide Adult Day Care Through Long-term Care Facilities and Other Community Sites

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

Sec. 1. 22 MRSA §6201, as enacted by PL 1983, c. 545, §1, is amended to read:

§6201. Legislative intent

1. **Findings.** The Legislature finds that:

A. Many adults with long-term care needs who are at risk of institutionalization are in need of the range of health and related services that can be provided more efficiently in an adult day care program within a long-term health care facility or at another community site;

B. Many spouses and families ~~attempting to care, who are caring~~ for adults with long-term care needs who are at risk of placement in an institutional setting, are in need of assistance for extended hours on a regular or respite basis;

C. For many adults with long-term care needs, it may be less costly for the State to provide adult day care to supplement the care provided by the family than to provide 24-hour long-term care in institutional settings; and

~~D. The involvement of intermediate and skilled nursing homes in the provision of adult day care and other home care services has never been available as a state program in Maine as an option to institutionalization; and~~

E. Long-term health related care facilities and other community-based programs located in several communities throughout the State ~~have staff and facilities trained and uniquely suited to could~~ respond to the adult day care needs of long-term care clients receiving at home care individuals and their families.

2. **Policy.** The Legislature declares that it is the policy of this State:

~~A. To study the utilization and cost effectiveness of adult day care in long-term health care settings;~~

B. To ~~determine whether~~ enhance the systems of in-home services ~~can be enhanced~~ by utilizing the resources available through long-term care facilities and community-based programs;

C. To assure that the recipients of adult day care ~~and in-home services~~ from long-term ~~health related~~ care facilities and other community-based programs, pursuant to this chapter, are the elderly and disabled adults who are at the greatest risk of being placed, ~~or who have already been placed,~~ in a long-term care institutional setting;

~~D. To conduct a limited number of demonstrations under this chapter, with no less than one in each of the 5 department regions in the State; and~~

E. To develop payment policies for long-term care facilities and community-based programs that will allow fair and equitable payments for services provided pursuant to this chapter; and

F. To establish a permanent program of adult day care, to be provided through both long-term care facilities and in community-based programs.

Sec. 2. 22 MRSA §6202, sub-§1, as enacted by PL 1983, c. 545, §1, is amended to read:

1. **Adult day care.** "Adult day care" means an ongoing program of health, social, maintenance and rehabilitative services available ~~for at least 6 hours for 5 days a week~~ to persons needing this level of service, as determined by an assessment of their functional abilities; and need for health and medical needs and need for social services.

Sec. 3. 22 MRSA §6202, sub-§4, as enacted by PL 1983, c. 545, §1, is repealed.

Sec. 4. 22 MRSA §6202, sub-§4-A is enacted to read:

4-A. Community-based program. "Community-based program" means a program of adult day care offered outside of a long-term health care facility and which meets the licensing and program standards of the Department of Human Services.

Sec. 5. 22 MRSA §6202, sub-§5, as enacted by PL 1983, c. 545, §1, is amended to read:

5. **Department.** "Department" means the Department of Human Services through its Bureau of Maine's Elderly.

Sec. 6. 22 MRSA §6202, sub-§6, as enacted by PL 1983, c. 545, §1, is repealed.

Sec. 7. 22 MRSA §6202, sub-§6-A is enacted to read:

6-A. Licensed adult day care program. A "licensed adult day care program" means a program of adult day care which has been licensed by the Department of Human Services according to section 8602.

Sec. 8. 22 MRSA §6202, sub-§8 is enacted to read:

8. Provider. "Provider" means any facility or program which meets the licensing and program standards of the department.

Sec. 9. 22 MRSA §6203, as enacted by PL 1983, c. 545, §1, is amended to read:

§6203. Rules; agreements

1. **Rules.** The department shall promulgate such rules as may be necessary for the effective administration of adult day care ~~and other services through long-term health care facilities~~ pursuant to this chapter, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375. In the development of these rules, the department shall consult with the ~~associations representing long-term health~~ Maine Committee on Aging, the associations representing care facilities and with area agencies on aging.

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

Any facility ~~participating in this demonstration or program~~ providing adult day care pursuant to this chapter 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. 10. 22 MRSA §§6204, 6205, 6206 and 6207, as enacted by PL 1983, c. 545, §1, are repealed.

Sec. 11. 22 MRSA §6208, as enacted by PL 1983, c. 545, §1, is repealed and the following enacted in its place:

§6208. Report

A report of services provided pursuant to this chapter shall be included in the annual Maine Social Services Report.

Sec. 12. 22 MRSA §6209 is enacted to read:

§6209. Funds

1. Distribution. The department shall disburse funds, pursuant to this Subtitle, in a manner that ensures, to the extent practicable, equitable distribution of services

among adults with long-term care needs and the various regions of the State.

2. Fee scale. The department shall develop, wherever practicable, sliding fee scales for adult day care services provided pursuant to this Subtitle.

See title page for effective date.

CHAPTER 348

H.P. 201 - L.D. 281

An Act to Amend Certain Provisions of the Marine Resources Laws

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

Sec. 1. 5 MRSA §945, sub-§1, as amended by PL 1985, c. 481, Pt. A, §10, is further amended to read:

1. **Major policy-influencing positions.** The following positions are major policy-influencing positions within the Department of Marine Resources. Notwithstanding any other provision of law, these positions and their successor positions shall be subject to this chapter:

A. Deputy Commissioner; ~~and~~

B. Chief, Bureau of Marine Patrol; and

D. Assistant to the Commissioner for Public Information.

Sec. 2. 12 MRSA §6001, sub-§10, as enacted by PL 1977, c. 661, §5, is amended to read:

10. **Crayfish.** "~~Crawfish~~" "Crayfish" means all species of from either fresh or salt water including, but not limited to, the family Palinuridae, including the representative genera ~~Panulirus, Jasus, Galathea and Panulirus~~ Palinurus, which have been called by such terms including, but not limited to, rock lobster, spiny lobster, sea crawfish, red lobster, thorny lobster, langoust, langoustini, langostino, crayfish, Sidney crawfish, kreef, Cuban rock lobster, African lobster or African crawfish.

Sec. 3. 12 MRSA §6022, sub-§3, as amended by PL 1985, c. 785, Pt. B, §65, is further amended to read:

3. **Organization and personnel.** The commissioner shall organize the department into the administrative units which ~~he~~ the commissioner decides are necessary to carry out its duties. The commissioner shall hire all necessary employees of the department subject to the Civil Service Law, except that persons in the following positions shall be appointed by and serve at the pleasure of the commissioner: Deputy Commissioner; Chief, Bureau of Marine Patrol; and Assistant to the Commissioner for Public Information. The Chief of the Bureau of Marine Patrol shall be appointed