

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 electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

Whereas, under current Medicaid regulations, a spouse who remains at home after his or her spouse is admitted to a nursing facility receives a monthly support allowance from the noninstitutionalized spouse; and

Whereas, current regulations do not extend such protection to spouses of residents of cost-reimbursed residential care facilities; and

Whereas, absent such spousal support protections, a spouse may be in drastically reduced financial circumstances as a result of the institutionalization of the other spouse, a condition known as "spousal impoverishment"; and

Whereas, this inequity in the system creates disincentives for people to use less restrictive alternatives to nursing facility care; 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

Sec. 1. Study. Resolved: That the Commissioner of Human Services, in conjunction with the Long-term Care Steering Committee, shall undertake a study of the levels of spousal and family support assistance available to both married and single recipients of services under the different long-term care and assisted living programs and develop recommendations regarding the promotion of greater equity in the levels of resource and income support allowances available to the spouses and families of individuals receiving long-term health care in various settings. They shall also study medical and financial eligibility screening and the availability and development of long-term care options. In the course of the study the commissioner and the Long-term Care Steering Committee shall consult with the long-term care ombudsman program, Legal Services for the Elderly, the Alzheimer's Association, other consumer representatives and providers of long-term care services; and be it further

Sec. 2. Reports. Resolved: That the Commissioner of Human Services and the Long-term Care Steering Committee shall submit a report containing final recommendations on medical and financial eligibility screening and an interim report on the availability and development of long-term care options to the Joint Standing Committee on Health and Human Services no later than January 1, 1998. They shall submit a report containing final recommendations on the availability and development of long-term care options and levels of spousal and family support assistance to the Joint Standing Committee on Health and Human Services no later

than November 1, 1998. In submitting reports to the committee, the commissioner and the Long-term Care Steering Committee may submit proposed legislation concerning financial support for the spouses and families of long-term care recipients.

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

Effective May 30, 1997.

CHAPTER 43

H.P. 265 - L.D. 329

Resolve, Directing the Commissioner of Labor to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to Pay Discrimination Based on Gender

Sec. 1. Rulemaking regarding discrimination in pay based on gender. Resolved: That the Commissioner of Labor shall adopt rules in consultation with the Maine Human Rights Commission to implement the provisions of the Maine Revised Statutes, Title 26, section 628, prohibiting discrimination in pay on the basis of gender. The commissioner shall forward the final rules to the Joint Standing Committee on Labor no later than March 1, 1998. These rules are routine technical rules under Title 5, chapter 375, subchapter II-A. The department shall enforce those rules within currently available resources.

See title page for effective date.

CHAPTER 44

H.P. 444 - L.D. 594

Resolve, Authorizing the Maine Technical College to Achieve Cost Savings through the Lease-purchase of Facilities

Sec. 1. Authorization of lease-purchase of buildings, equipment and real property for the Maine Technical College System. Resolved: That, in compliance with the Maine Revised Statutes, the Maine Technical College System is authorized to lease-purchase its current office space in Augusta, Maine together with related buildings, equipment and the site on which the buildings are located. The principal amount of the lease-purchase may not