

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

Sec. 10. Referendum for ratification; submission at statewide election; form of question; effective date. This Act must be submitted to the legal voters of the State of Maine at a statewide election held on the Tuesday following the first Monday of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Do you favor a \$12,000,000 bond issue to provide:

1. The sum of \$10,000,000 to address the affordable housing crisis in Maine; and
2. The sum of \$2,000,000 to provide housing for victims of domestic violence?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if a majority of the legal votes are cast in favor of this Act, the Governor shall proclaim the result without delay, and this Act becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purpose of this referendum.

Effective pending referendum.

CHAPTER 36

H.P. 653 - L.D. 853

An Act to Ensure Access to Assisted Living Services Programs

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

Whereas, unless this legislation is enacted as an emergency measure, the Commission to Study Assisted Living will be unable to complete its work in a timely manner; 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:

Sec. 1. Commission to Study Assisted Living. There is established the Commission to Study Assisted Living, referred to in this section as the "commission," to study assisted living options for the State in order to develop high-quality, cost-effective assisted living housing and service programs to serve the growing population of elderly and disabled persons in appropriate community center locations across the State.

1. Membership. The commission consists of 21 members appointed as follows:

A. Four members of the Senate, appointed by the President of the Senate. In making these appointments, preference must be given to members of the Joint Standing Committee on Health and Human Services. The first named Senator serves as Senate chair;

B. Four members of the House of Representatives, appointed by the Speaker of the House. In making these appointments, preference must be given to members of the Joint Standing Committee on Health and Human Services. The first named member of the House of Representatives serves as House chair;

C. Five members appointed by the President of the Senate as follows:

- (1) One person representing older persons; one person representing providers of long-term care, including assisted living services; one person representing developers of assisted living services; one person representing a statewide organization that invests in tax credit financed assisted living programs; and one person representing assisted living services providers;

D. Five members appointed by the Speaker of the House of Representatives as follows:

- (1) One person representing providers of affordable assisted living services; one person representing private market providers of assisted living services; one person representing area agencies on aging; one person representing a community-based nonprofit organization that lends money for

the development of affordable assisted living programs; and one person representing assisted living services providers;

E. The Director of the Maine State Housing Authority or the director's designee;

F. The Director of the State Planning Office within the Executive Department or the director's designee; and

G. The Director of the Department of Human Services, Bureau of Elder and Adult Services or the director's designee.

State agencies shall provide information and assistance to the commission as required for the performance of its work. These agencies include but are not limited to the Department of Human Services, Bureau of Medical Services; the Department of Economic and Community Development; the Office of the State Fire Marshal; and the Maine Health and Higher Education Facilities Authority.

2. Appointments. All appointments must be made no later than 30 days following the effective date of this Act. The appointing authorities shall notify the Executive Director of the Legislative Council upon making the appointments. When the appointment of all members is complete, the chairs shall call and convene the first meeting of the commission no later than August 15, 2001.

3. Assisted living philosophy. The commission must be guided by the following philosophy of assisted living.

A. Assisted living provides congregate residences and services for the elderly and persons with disabilities in homelike settings.

B. Based on a social model, assisted living emphasizes independence, autonomy and respect for individual residents.

C. Assisted living provides assistance to residents that is appropriate for their changing needs and that maintains the connections between the residents and their families and communities.

4. Duties. The commission is charged with the following duties.

A. The commission shall study existing housing and program options for elderly and disabled persons and current and projected population and service requirement data. The commission shall also study and propose changes to existing law to facilitate and properly compensate providers for the delivery of services that allow consumers to choose to remain and reside in an assisted living

facility while aging without compromising the quality of care, the safety of consumers or the financial, administrative or residential care capabilities of the providers of assisted living services.

B. The commission shall develop a comprehensive plan for assisted living in the State that establishes criteria for admissions and staffing and provides for expanded options on the basis of community needs. The plan must address affordability for the State's low-income and moderate-income residents. The plan must include information on the residential and service needs of the aging population, options for service development and delivery, methods of financing and models for state oversight and regulation. The plan must be cost-effective and must maximize the use of private resources.

5. Staff assistance. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the commission.

6. Reimbursement. Members of the commission who are Legislators are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for necessary expenses incurred for the attendance at authorized meetings of the commission. Other members of the commission who are not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses incurred for their attendance at authorized meetings.

7. Meetings; report. The commission shall hold 4 meetings. The commission shall submit a report of its work to the Joint Standing Committee on Health and Human Services by December 5, 2001. The Joint Standing Committee on Health and Human Services may report out legislation to the Second Regular Session of the 120th Legislature. If the commission requires a limited extension of time to conclude its work, it may apply to the Legislative Council, which may grant the extension.

8. Budget. Upon request of the commission, the Executive Director of the Legislative Council or the Executive Director's designee shall promptly provide the commission chairs and staff with a status report on the commission's budget, expenditures incurred and paid and available funds. The commission may not incur expenses that would result in the commission's exceeding its approved budget.

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

Effective June 27, 2001.

CHAPTER 37

S.P. 422 - L.D. 1378

An Act to Authorize a General Fund Bond Issue in the Amount of \$36,700,000 for the State's Public Universities, the Maine Maritime Academy and other Public Learning Centers

Preamble. Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14 to authorize the issuance of bonds on behalf of the State of Maine to provide funds for the State's public universities, the Maine Maritime Academy and other public learning centers.

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

Sec. 1. Authorization of bonds to provide for the State's public universities, the Maine Maritime Academy and other public learning centers. The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding \$36,700,000 to raise funds for the State's public universities, the Maine Maritime Academy and other public learning centers as authorized by section 6. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds. At the discretion of the Treasurer of State, with the approval of the Governor, any issuance of bonds may contain a call feature.

Sec. 2. Records of bonds issued to be kept by the Treasurer of State. The Treasurer of State shall keep an account of each bond showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

Sec. 3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Act. Proceeds may be

released to the State's public institutions of higher education and the Maine Maritime Academy only upon receipt by the Treasurer of State of evidence satisfactory to the Treasurer that the State's public institutions of higher education and the Maine Maritime Academy have complied with any requirement to establish and fund a maintenance account for office, laboratory or other building space to be constructed with the proceeds. Any unencumbered balances remaining at the completion of the projects in section 6 lapse to the debt service account established for the retirement of these bonds.

Sec. 4. Interest and debt retirement. The Treasurer of State shall pay interest due or accruing on any bonds issued under this Act and all sums coming due for payment of bonds at maturity.

Sec. 5. Disbursement of bond proceeds. The proceeds of the bonds must be expended as set out in section 6 under the direction and supervision of the University of Maine System, the Maine Maritime Academy and the Maine Technical College System.

Sec. 6. Allocations from General Fund bond issue for improvements at the State's public universities, the Maine Maritime Academy and other public learning centers. The proceeds of the sale of the bonds must be expended as designated in the following schedule.

UNIVERSITY OF MAINE

To pay a portion of design and construction costs for the Arts Center.	\$4,000,000
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UNIVERSITY OF MAINE AT FARMINGTON

To pay a portion of the construction of an education classroom facility.	\$4,800,000
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UNIVERSITY OF MAINE AT PRESQUE ISLE

To pay a portion of the construction of a health and physical education complex.	\$5,600,000
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UNIVERSITY OF MAINE AT AUGUSTA

To pay a portion of the construction of a technology classroom and student center facility.	\$4,000,000
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UNIVERSITY OF MAINE AT FORT KENT

To pay a portion of the construction of a health/tech center connector building and the renewal of a library/classroom.	\$3,200,000
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