



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1733

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H.P. 1235

House of Representatives, May 14, 2019

**An Act To Ensure Comprehensive Interdepartmental Planning,  
Coordination and Collaboration on Aging Policy**

(EMERGENCY)

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Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in black ink that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative FAY of Raymond.

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

3           **Whereas,** the establishment of the position of Director of Aging and the State  
4 Commission on Aging before the expiration of the 90-day period is necessary to provide  
5 increased coordination of policy and planning related to older adults in Maine; and

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

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

11           **Sec. 1. 1 MRSA §71, sub-§7-B** is enacted to read:

12           **7-B. Older individuals; references to.** In the construction of statutes, references to  
13 older individuals must be applied as provided in this subsection.

14           **A.** In preparing any legislation that amends a section or larger division of statutes,  
15 the Revisor of Statutes is authorized to change any terms that refer to "elderly,"  
16 "elder" or "senior" individuals to refer instead to "older" individuals. The Revisor of  
17 Statutes may not otherwise alter the sense, meaning or effect of any statute.

18           **Sec. 2. 1 MRSA §93, sub-§12** is enacted to read:

19           **12. Older individuals; references to.** A term in a statutory unit that is otherwise  
20 being corrected pursuant to this section that refers to "elderly," "elder" or "senior"  
21 individuals may be changed to refer to "older" individuals, and any grammatical changes  
22 necessary to properly implement this change may be made.

23           **Sec. 3. 2 MRSA §6, sub-§4,** as amended by PL 2015, c. 267, Pt. RRR, §2 and Pt.  
24 IIII, §1, is further amended to read:

25           **4. Range 88.** The salaries of the following state officials and employees are within  
26 salary range 88:

27           Director, Bureau of Air Quality;

28           Director, Bureau of Water Quality;

29           Director, Bureau of Land Resources;

30           Director, Bureau of Remediation and Waste Management;

31           Deputy Commissioner, Environmental Protection;

32           Director, Office of Professional and Occupational Regulation; ~~and~~

33           Deputy Chief of the State Police; ~~and~~

34           Director of Aging.

1           **Sec. 4. 5 MRSA §3109** is enacted to read:

2           **§3109. Director of Aging**

3           **1. Established.** There is established within the office the position of Director of  
4           Aging to ensure the people of the State can live healthy, engaged and secure lives as they  
5           age in their homes and in community settings.

6           **2. Appointment.** The Director of Aging is appointed by the Governor and serves at  
7           the pleasure of the Governor.

8           **3. Duties.** The Director of Aging shall:

9           A. Oversee the planning and policy development for all functions and activities  
10           conducted or supported in the State that relate to aging and older adults and family  
11           care partners of older adults;

12           B. Promote intergovernmental collaboration in meeting aging policy objectives  
13           established in Title 22, section 5103 and manage the coordination of multiple-agency  
14           initiatives related to policy objectives;

15           C. Encourage and assist in the development of coordinated use of existing and new  
16           resources and services relating to the State's older population;

17           D. Oversee necessary research and planning related to aging and the needs of older  
18           adults in the State;

19           E. Advise the Governor and Commissioner of Health and Human Services on the  
20           preparation of and provisions to be included in the comprehensive state plan under  
21           Title 22, section 5106, subsection 4 and collaborate with all relevant state agencies to  
22           ensure that the creation of the comprehensive state plan addresses all aspects of the  
23           objectives and purposes of the declaration of objectives in Title 22, section 5103.  
24           The Director of Aging shall work with:

25           (1) The Commissioner of Transportation or the commissioner's designee to  
26           identify objectives to be included in the comprehensive state plan related to  
27           meeting the transportation needs of older adults in the State;

28           (2) The Director of the Maine State Housing Authority or the director's designee  
29           to identify objectives to be included in the comprehensive state plan related to  
30           meeting the housing needs of older adults in the State;

31           (3) The Commissioner of Labor or the commissioner's designee to identify  
32           objectives to be included in the comprehensive state plan related to meeting  
33           employment and vocational services needs of older adults in the State;

34           (4) The Commissioner of Economic and Community Development or the  
35           commissioner's designee to identify objectives to be included in the  
36           comprehensive state plan that address community development goals to meet the  
37           needs of older adults in the State and enhance their opportunities for economic  
38           prosperity; and

1                   (5) The Maine Commission for Community Service established in section 7501  
2                   to identify objectives to be included in the comprehensive state plan that  
3                   encourage and support local volunteer and municipal initiatives that support  
4                   healthy aging and that meet the needs of older adults in the State; and

5                   F. Provide staff support to the State Commission on Aging established in section  
6                   12004-I, subsection 2-H.

7                   **4. State agency cooperation.** State agencies shall cooperate with the Director of  
8                   Aging in carrying out the duties in subsection 3. A state agency proposing to develop,  
9                   establish, conduct or administer a program relating to aging or older adults or their family  
10                  care partners shall:

11                  A. Prior to carrying out such action, consult with the Director of Aging; and

12                  B. Keep the Director of Aging informed on the implementation of that program.

13                  **Sec. 5. 5 MRSA §12004-I, sub-§2-H** is enacted to read:

14                  **2-H.**

15                  Aging	State Commission	Expenses Only	22 MRSA §5107-K
16                                  on Aging			

17                  **Sec. 6. 22 MRSA §5104, sub-§6-A** is enacted to read:

18                  **6-A. Director of Aging.** "Director of Aging" means the Director of Aging  
19                  established in Title 5, section 3109.

20                  **Sec. 7. 22 MRSA §5106, sub-§§3 and 4,** as amended by PL 2011, c. 657, Pt.  
21                  BB, §9, are further amended to read:

22                  **3. Coordination of efforts.** Assist the ~~Legislative~~ legislative branch and ~~Executive~~

23                  ~~Branches~~ executive branch of State Government, especially the Governor, the Director of

24                  Aging and the Bureau of the Budget, to coordinate all State Government efforts relating

25                  to Maine's aging population and incapacitated and dependent adults, by:

26                  A. Submitting to the Director of Aging and each branch of State Government no

27                  later than September 1st of each year an annual report covering its activities for the

28                  immediately past fiscal year and future plans, including recommendations for

29                  changes in state and federal laws;

30                  B. Reviewing all proposed legislation, fiscal activities, plans, policies and other

31                  administrative functions relating to Maine's aging population and incapacitated and

32                  dependent adults made by or requested of all state agencies. The department has the

33                  authority to submit to those bodies findings, comments and recommendations, which

34                  are advisory. The department shall submit to the Director of Aging findings,

35                  comments and recommendations submitted by the department to agencies under this

36                  paragraph. Such findings and comments must recommend what modification in

37                  proposals or actions is required to make proposed legislation, fiscal activities and

38                  administrative activities consistent with such policies and priorities; and

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

6 **4. Comprehensive state plan.** Prepare By September 1, 2021 and every 4 years  
7 thereafter, in collaboration with the Director of Aging and other appropriate state  
8 agencies, prepare and administer a comprehensive state plan relating to Maine's aging  
9 population and incapacitated and dependent adults, developed by the department subject  
10 to the direction of the commissioner. The comprehensive state plan must be implemented  
11 for the purpose of coordinating all activities and of assuring compliance with applicable  
12 state and federal laws, rules and regulations relating to Maine's aging population and  
13 incapacitated and dependent adults. ~~Implementation of this duty means that the~~ The  
14 comprehensive state plan must clearly indicate the agency responsible for administering  
15 and implementing each part of the plan. The comprehensive state plan must be based on  
16 the results of a comprehensive statewide needs assessment that examines the housing,  
17 transportation, food, financial, employment, safety, care, social service and other needs of  
18 older adults, their family care partners and incapacitated and dependent adults. The  
19 comprehensive state plan must be based on and supported by research and data and must  
20 include trends in the workforce that may affect the provision of services under this Part  
21 and must identify gaps in needed services under this Part and set measurable goals toward  
22 filling those gaps. The department in collaboration with the Director of Aging has the  
23 authority, through a review process, to advise on the preparation and administration of  
24 any portion of any state plan relating to Maine's aging population and incapacitated and  
25 dependent adults, prepared and administered by any agency of State Government for  
26 submission to the Federal Government to obtain federal funding under federal legislation.  
27 ~~Such~~ The comprehensive state plan must consider such state plans, or portions thereof,  
28 ~~which~~ must include, but are not limited to, all state plans dealing with education,  
29 employment and vocational services, income, health, housing, protective services, public  
30 guardianship and conservatorship, rehabilitation, social services, transportation and  
31 welfare. The department shall advise the commissioner and Governor on preparation of  
32 and provisions to be included in such plans relating to Maine's aging population and  
33 incapacitated and dependent adults. For the purposes of this subsection, "care" includes,  
34 but is not limited to, access to medical and behavioral health care services, access to  
35 home and community-based services, access to family care partner services, including  
36 adult day care services, access to coordinated dementia care and access to facility-based  
37 services;

38 **Sec. 8. 22 MRSA §5106, sub-§13,** as amended by PL 2011, c. 657, Pt. BB, §9, is  
39 further amended to read:

40 **13. Coordinate activities.** Coordinate activities and cooperate with programs in this  
41 and other states for the common advancement of programs for Maine's aging population  
42 and incapacitated and dependent adults; ~~and~~

43 **Sec. 9. 22 MRSA §5106, sub-§15,** as enacted by PL 1973, c. 793, §6, is amended  
44 to read:

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

4           **Sec. 10. 22 MRSA §5106, sub-§16** is enacted to read:

5           **16. State plan on Alzheimer's disease and other dementias.** Oversee  
6 implementation of and periodically update a state plan on Alzheimer's disease and other  
7 dementias.

8           **Sec. 11. 22 MRSA §5107-K** is enacted to read:

9           **§5107-K. State Commission on Aging**

10           **1. Commission created.** The State Commission on Aging, established by Title 5,  
11 section 12004-I, subsection 2-H and referred to in this section as "the commission," is  
12 created to advise the Legislature, the Governor and state agencies regarding aging policy  
13 and the priorities of older people in the State.

14           **2. Duties.** The commission shall:

15           A. Advise the department on the design and implementation of the comprehensive  
16 statewide needs assessment conducted in advance of the development of the  
17 comprehensive state plan under section 5106, subsection 4, including advice on  
18 planning regional meetings and other opportunities for stakeholder input regarding  
19 the comprehensive statewide needs assessment;

20           B. Review and provide input on state planning efforts across state agencies,  
21 including the comprehensive state plan under section 5106, subsection 4 and the state  
22 plan on Alzheimer's disease and other dementias under section 5106, subsection 16;

23           C. Encourage the development of coordinated interdepartmental goals and  
24 objectives;

25           D. Identify needed research to support long-range planning and policy initiatives;

26           E. Advise state agencies on the implementation of the comprehensive state plan  
27 under section 5106, subsection 4, the state plan on Alzheimer's disease and other  
28 dementias under section 5106, subsection 16 and other state plans directly related to  
29 older adults or aging in the State;

30           F. Identify and recommend ways in which the State can support local and  
31 community efforts to promote healthy aging;

32           G. Identify ways to promote the skills and talents that older adults can offer to make  
33 the State a better place to live;

34           H. Request that state agencies provide the commission, subject to available  
35 resources, information, suggestions and statistics to enable the commission to  
36 perform its duties;

37           I. Review and provide input on annual reports on aging services, long-term care and  
38 dementia care; and

1 J. Undertake any other actions the Director of Aging or the department determines  
2 necessary in accordance with the commission's duties.

3 **3. Staffing.** The Director of Aging shall staff the commission.

4 **4. Membership.** The commission is composed of the following members:

5 A. The commissioner or the commissioner's designee;

6 B. The Commissioner of Labor or the commissioner's designee;

7 C. The Commissioner of Economic and Community Development or the  
8 commissioner's designee;

9 D. The Commissioner of Transportation or the commissioner's designee;

10 E. The Commissioner of Public Safety or the commissioner's designee;

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

12 G. The long-term care ombudsman under section 5107-A or the ombudsman's  
13 designee; and

14 H. Fifteen members of the public appointed by the Governor, including at a  
15 minimum:

16 (1) One member representing the business community;

17 (2) One member representing the health care industry;

18 (3) One member having expertise in technology and innovation;

19 (4) One member who is a municipal official;

20 (5) One member representing an entity whose work focuses on aging issues;

21 (6) One member who is a family caregiver; and

22 (7) One member representing a statewide advocacy organization advocating on  
23 behalf of older adults.

24 In making appointments under this paragraph, the Governor shall ensure that rural  
25 and urban areas are represented.

26 **5. Commission invitees.** The Director of Aging shall invite 2 members of the  
27 Senate and 2 members of the House of Representatives to participate in commission  
28 activities. When inviting members of the Legislature, the Director of Aging shall give  
29 priority to Legislators serving as chairs of a caucus on aging.

30 **6. State agency and public information and participation.** The commission may  
31 solicit information and participation from state agencies and members of the public as  
32 determined necessary by the commission.

33 **7. Terms.** A member of the commission appointed pursuant to subsection 4,  
34 paragraph H serves for a term of 2 years and may not serve more than 2 consecutive  
35 terms.





1 coordination of multiple-agency initiatives related to policy objectives. The bill amends  
2 the requirements for preparing and implementing a comprehensive state plan relating to  
3 Maine's aging population and incapacitated and dependent adults. The bill establishes a  
4 State Commission on Aging to advise the Governor, Legislature and state agencies on  
5 planning, research and intergovernmental cooperation related to the needs of older adults  
6 in the State. The bill authorizes the Revisor of Statutes, in preparing legislation, to  
7 change any terms that refer to "elderly," "elder" or "senior" individuals to refer instead to  
8 "older" individuals.