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No. 1733

H.P. 1235

House of Representatives, May 14, 2019

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

(EMERGENCY)

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

A handwritten signature in cursive script, reading "Robert 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

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

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

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

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

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

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

2-H.

<u>Aging</u>	<u>State Commission</u>	<u>Expenses Only</u>	<u>22 MRSA §5107-K</u>
	<u>on Aging</u>		

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

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

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

3. Coordination of efforts. Assist the ~~Legislative~~ legislative branch and ~~Executive Branches~~ executive branch of State Government, especially the Governor, the Director of Aging and the Bureau of the Budget, to coordinate all State Government efforts relating to Maine's aging population and incapacitated and dependent adults, by:

A. Submitting to the Director of Aging and 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;

B. Reviewing all proposed legislation, fiscal activities, plans, policies and other administrative functions relating to Maine's aging population and incapacitated and dependent adults made by or requested of all state agencies. The department has the authority to submit to those bodies findings, comments and recommendations, which are advisory. The department shall submit to the Director of Aging findings, comments and recommendations submitted by the department to agencies under this paragraph. Such findings and comments must recommend what modification in proposals or actions is required to make proposed legislation, fiscal activities and 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 **8. Chair.** The commission shall elect a chair from among its members.

2 **9. Meetings.** The commission shall meet at least quarterly but may meet as often as
3 determined appropriate by the commission to accomplish its duties.

4 **10. Quorum.** Thirteen members of the commission constitute a quorum.

5 **11. Subcommittees.** The commission may appoint subcommittees, which may
6 include members from any public or private agency or advisory committee or any person
7 who has appropriate interest and expertise as may be necessary to carry out the work of
8 the commission.

9 **12. Report.** The commission shall report on its deliberations and any
10 recommendations by March 1st of each odd-numbered year to the Governor and any joint
11 standing committee of the Legislature having jurisdiction over the subject matter of the
12 report.

13 **Sec. 12. Inconsistencies; report.** The Director of Aging and the Commissioner
14 of Health and Human Services, and designees selected by the director and commissioner,
15 shall review those parts of the Maine Revised Statutes governing policy, planning and
16 oversight related to older adults, including, but not limited to, Title 22. The purpose of
17 the review is to develop proposed legislation to correct any inconsistencies in law that
18 result from this Act. By November 30, 2019, the Director of Aging shall submit the
19 proposed legislation developed pursuant to this section to the Joint Standing Committee
20 on Health and Human Services. The joint standing committee may report out a bill
21 relating to the proposed legislation to the Second Regular Session of the 129th
22 Legislature.

23 **Sec. 13. State Commission on Aging.**

24 **1. Staggered terms.** Notwithstanding the Maine Revised Statutes, Title 22, section
25 5107-K, subsection 7, of the initial members appointed pursuant to Title 22, section
26 5107-K, subsection 4, paragraph H, 8 members must be appointed for a 2-year term and 7
27 members must be appointed for a one-year term.

28 **2. First meeting.** The Director of Aging shall convene the State Commission on
29 Aging under the Maine Revised Statutes, Title 22, section 5107-K within 45 days after
30 the effective date of this Act.

31 **Emergency clause.** In view of the emergency cited in the preamble, this
32 legislation takes effect when approved.

33 **SUMMARY**

34 This bill creates the position of Director of Aging in the Governor's Office of Policy
35 and Management to oversee the planning and policy development for all functions and
36 activities conducted or supported in the State that relate to aging, older adults and family
37 care partners of older adults, including, but not limited to, promoting intergovernmental
38 collaboration in meeting established aging policy objectives and managing the

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.