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Date: (Filing No. S-)

VETERANS AND LEGAL AFFAIRS

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE
SENATE
130TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 719, L.D. 2001, “An Act To Fund and Support the Veterans Homes in Caribou and Machias and Require Legislative Approval for the Establishment and Closure of Veterans Homes”

Amend the bill by striking out the title and substituting the following:

'An Act To Clarify State Policy and Legislative Intent Regarding the Maine Veterans' Homes, To Require Notification of Closure of the Maine Veterans' Homes to the Legislature and To Fund Public Homes in Caribou and Machias in Order To Keep Them Open'

Amend the bill by inserting after the title and before the enacting clause the following:

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

Whereas, the closure of the Maine Veterans' Homes facilities in Caribou and Machias will cause substantial and unnecessary harm and disruption to the veterans and the families of the veterans who are under the care of these facilities; and

Whereas, closure of the Maine Veterans' Homes facilities in Caribou and Machias was abruptly decided without public discussion; and

Whereas, the facilities in these locations are necessary to provide care to the veterans in the surrounding rural areas; 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,'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 37-B MRSA §601, as amended by PL 2015, c. 397, §4, is repealed and the following enacted in its place:

COMMITTEE AMENDMENT

1 **§601. Statement of policy; purpose; location of homes; additional services**

2 **1. Statement of policy.** It is the policy of the State to ensure the provision of long-
3 term care, support and services to eligible veterans and their family members in every
4 region of the State and the intent of the Legislature that the Maine Veterans' Homes
5 implement this policy by providing long-term care, support and related services to fulfill
6 the State's moral obligation to promote the well-being and dignity of the veterans who have
7 served their nation, often in times of war and at great cost.

8 **2. Purpose; location of homes.** The primary purpose of the Maine Veterans' Homes
9 is to provide support and care for honorably discharged veterans who served on active duty
10 in the United States Armed Forces or who served in the Reserves of the United States
11 Armed Forces on active duty for other than training purposes and for any other class of
12 veterans who meet applicable state and federal requirements to receive services provided
13 by the Maine Veterans' Homes. The Maine Veterans' Homes provide long-term care,
14 support and related services to eligible veterans and family members of veterans in every
15 region of the State. To carry out the duty of providing long-term care, support and related
16 services to eligible veterans and family members of veterans, the Maine Veterans' Homes
17 must be located in Augusta, Bangor, Caribou, Machias, Scarborough and South Paris. The
18 homes located in the municipalities listed in this subsection must remain in continuous
19 operation and no location may discontinue services unless the Board of Trustees of the
20 Maine Veterans' Homes follows the process established in section 612.

21 **3. Additional services.** In addition to the provision of long-term care, support and
22 related services, the Maine Veterans' Homes may provide nonnursing facility care and
23 services, including inpatient health care programs and adult day health care programs, to
24 Maine veterans if approved by appropriate state and federal authorities. The Maine
25 Veterans' Homes may construct community-based outpatient clinics for Maine veterans in
26 cooperation with the United States Department of Veterans Affairs and may construct and
27 operate veterans hospice facilities, veterans housing facilities and other facilities authorized
28 by the Board of Trustees of the Maine Veterans' Homes, using available funds, including,
29 but not limited to, funds sought under section 604, subsection 6. Any funds loaned to the
30 Maine Veterans' Homes for operating purposes from the funded depreciation accounts of
31 the Maine Veterans' Homes must be reimbursed from any funds received by the Maine
32 Veterans' Homes and available for that purpose.

33 **Sec. 2. 37-B MRSA §603, sub-§1,** as enacted by PL 2021, c. 238, §1, is amended
34 to read:

35 **1. Administration of the homes.** The administration of the homes is vested in the
36 Board of Trustees of the Maine Veterans' Homes, referred to in this chapter as "the board,"
37 as authorized by Title 5, section 12004-G, subsection 34.

38 **Sec. 3. 37-B MRSA §603, sub-§2,** as enacted by PL 2021, c. 238, §1, is repealed
39 and the following enacted in its place:

40 **2. Appointment; composition.** The board consists of 13 members, one of whom must
41 be the Director of the Maine Bureau of Veterans' Services, ex officio, who serves without
42 term. The Governor shall appoint the remaining members as follows:

43 **A. Nine members from a list of nominees submitted to the Governor by the board. The**
44 **list submitted by the board must include individuals recommended to the board by**

1 established veterans' service organizations with chapters in the State and organizations
2 and individuals who have demonstrated leadership in their fields; and

3 B. Three members who are not members of the United States Armed Forces or the
4 National Guard or veterans and who are not on the list of nominees submitted by the
5 board pursuant to paragraph A.

6 The membership of the board must reflect the diversity of the State, including, but not
7 limited to, diversity in geographic location, cultural and ethnic background, sexual
8 orientation, gender identity and professional experience. A majority of board members
9 must be honorably discharged veterans.

10 **Sec. 4. 37-B MRSA §604, sub-§2**, as amended by PL 2021, c. 238, §2, is further
11 amended to read:

12 **2. Meetings.** The board shall meet at least 4 times annually. ~~Six~~ Seven members
13 constitute a quorum.

14 **Sec. 5. 37-B MRSA §604, sub-§6**, as amended by PL 2015, c. 397, §12, is further
15 amended to read:

16 **6. Other funds.** ~~The board may apply for and receive any grants in aid~~ In order to
17 ensure the continuous operation of the homes in the municipalities listed in section 601, the
18 board shall seek funds from private and public sources, including, but not limited to, state
19 and federal appropriations and grants for which the State or the homes may be eligible.

20 **Sec. 6. 37-B MRSA §604, sub-§7**, as amended by PL 2015, c. 397, §12, is further
21 amended to read:

22 **7. Rules.** The board shall adopt rules necessary to administer the homes, to establish
23 just charges for the maintenance of members and to oversee the operation of the homes. In
24 adopting rules, the board shall seek comments and information from staff of the homes,
25 members, members' families, members of the public and other relevant sources, but the
26 Maine Administrative Procedure Act provisions regarding rulemaking, Title 5, chapter 375,
27 subchapters 2 and 2-A, do not apply.

28 **Sec. 7. 37-B MRSA §604, sub-§8**, as enacted by PL 1987, c. 11, §2, is amended
29 to read:

30 **8. Assistance.** ~~Every~~ The Legislature and every department and agency of the State;
31 ~~when requested,~~ may furnish such assistance, counsel or advice as the board may request
32 or require in the discharge of its duties.

33 **Sec. 8. 37-B MRSA §611**, as amended by PL 2015, c. 397, §18, is further amended
34 to read:

35 **§611. Reports** Annual reports

36 ~~The~~ By February 15, 2023 and annually thereafter, the board shall submit ~~an annual a~~
37 report to the Governor and the joint standing committee of the Legislature having
38 jurisdiction over veterans affairs. This report must contain a copy of audited financial
39 statements, statistics on members who resided in the homes during the year, any
40 amendments to the rules regarding the administration of the homes made by the board since
41 its last report on the administration of the homes, a description of any efforts to seek
42 funding as required under section 604, subsection 6, recommendations to the Governor and

1 Legislature and information regarding such other matters as the board deems considers
2 pertinent. The joint standing committee of the Legislature having jurisdiction over veterans
3 affairs may report out legislation based upon the report.

4 **Sec. 9. 37-B MRSA §612** is enacted to read:

5 **§612. Establishment; discontinuation of services**

6 The board may not establish a Maine Veterans' Homes location or discontinue services
7 at a Maine Veterans' Homes location except as authorized by this section.

8 **1. Notification in annual report.** If the board proposes to authorize the establishment
9 of or discontinuation of services at a public home for veterans, the board shall notify the
10 President of the Senate, the Speaker of the House of Representatives and the joint standing
11 committee of the Legislature having jurisdiction over veterans affairs of the board's
12 proposal in the annual report required under section 611. The board shall also provide the
13 following information in the annual report:

14 A. The financial and demographic data for the regions served by the home intended to
15 be established or whose services are intended to be discontinued, including, but not
16 limited to, any information regarding services necessary to meet the needs of eligible
17 veterans and their families in the region;

18 B. The board's plan for the care of the veterans receiving care or intended to receive
19 care at the home and the family members of those veterans; and

20 C. If services are proposed to be discontinued, the board's plan for the use or
21 disposition of facilities after services are discontinued.

22 **2. Public meeting required.** Within 30 days of receiving an annual report proposing
23 the establishment of or discontinuation of services at a home in accordance with this
24 section, the joint standing committee of the Legislature having jurisdiction over veterans
25 affairs, with as much public notice as possible, shall hold a public meeting at which board
26 members must present the reasons for the board's proposal and the committee shall accept
27 public comments on the proposal. The committee may report out legislation based upon
28 the information received at the meeting.

29 **3. Authorization by board.** The board may not establish a public home for veterans
30 or authorize the discontinuation of services at a public home for veterans until 90 days have
31 passed since adjournment of the legislative session in which the board included in its annual
32 report required in section 611 the proposal to establish or discontinue services at that public
33 home for veterans.

34 If the board establishes a public home for veterans or authorizes the discontinuation of
35 services at a public home for veterans, the board shall notify the President of the Senate,
36 the Speaker of the House of Representatives and the joint standing committee of the
37 Legislature having jurisdiction over veterans affairs of the establishment of or
38 discontinuation of services at the home in the first annual report required under section 611
39 following the establishment of or discontinuation of services at the home. The joint
40 standing committee may report out a bill to amend section 601 if necessary.

41 **Sec. 10. Maine Veterans' Homes; Caribou and Machias locations.**
42 Notwithstanding any decision of the Board of Trustees of the Maine Veterans' Homes prior
43 to the effective date this section, the Maine Veterans' Homes located in Caribou and

1 Machias may not be closed until the Board of Trustees of the Maine Veterans' Homes
 2 submits a report under the Maine Revised Statutes, Title 37-B, section 611 that includes a
 3 proposal to close those homes and the process required under Title 37-B, section 612 has
 4 been followed.

5 **Sec. 11. Maine Veterans' Homes; stakeholder group.** The Board of Trustees
 6 of the Maine Veterans' Homes, in collaboration with the Commissioner of Defense,
 7 Veterans and Emergency Management and the Commissioner of Health and Human
 8 Services, shall convene a group of relevant stakeholders to develop a plan for the long-term
 9 viability and continuous operation of the Maine Veterans' Homes locations designated in
 10 the Maine Revised Statutes, Title 37-B, section 601. The stakeholder group must include
 11 or seek input from veterans and their families, employees of the Maine Veterans' Homes
 12 and people in the communities served by the Maine Veterans' Homes. The board shall
 13 present a report summarizing the findings and recommendations of the stakeholder group
 14 to the joint standing committee of the Legislature having jurisdiction over veterans affairs
 15 no later than February 15, 2023.

16 **Sec. 12. Department of Health and Human Services to amend rules; Maine**
 17 **Veterans' Homes.** The Department of Health and Human Services shall allocate a total
 18 supplemental payment of \$1,063,830 in fiscal year 2021-22 as described in this section.
 19 The department shall amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter
 20 III, Section 67, Principles of Reimbursement for Nursing Facilities, to allocate a
 21 supplemental payment of \$2,442,200 in fiscal year 2022-23 to the Maine Veterans' Homes
 22 to offset budget shortfalls. Rules adopted pursuant to this section are routine technical rules
 23 as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A. The
 24 department, in its rulemaking, shall allocate funding in a manner that addresses Maine
 25 Veterans' Homes shortfalls on a basis proportional to the shortfall of each Maine Veterans'
 26 Homes nursing facility. As a condition of receiving the supplemental payments, the Maine
 27 Veterans' Homes must commit to continue to provide all services that were offered at the
 28 Caribou and Machias homes on October 27, 2021.

29 **Sec. 13. Appropriations and allocations.** The following appropriations and
 30 allocations are made.

31 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**
 32 **Nursing Facilities 0148**

33 Initiative: Provides one-time supplemental payments to the Department of Health and
 34 Human Services for the purpose of making supplemental payments to the Maine Veterans'
 35 Homes.

36	GENERAL FUND	2021-22	2022-23
37	All Other	\$1,000,000	\$750,000
38			
39	GENERAL FUND TOTAL	<u>\$1,000,000</u>	<u>\$750,000</u>
40			
41	FEDERAL EXPENDITURES FUND	2021-22	2022-23
42	All Other	\$0	\$1,545,668
43			
44	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$1,545,668</u>

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OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
All Other	\$63,830	\$146,532
OTHER SPECIAL REVENUE FUNDS TOTAL	\$63,830	\$146,532

Amend the bill by adding before the summary the following:

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

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment changes the title of the bill and strikes and replaces the bill to do the following.

1. It makes the bill an emergency.
2. It establishes the policy and intent of the Legislature in establishing the Maine Veterans' Homes, which must have locations in the municipalities of Augusta, Bangor, Caribou, Machias, Scarborough and South Paris.
3. It adds 3 civilian members, appointed by the Governor, to the Board of Trustees of the Maine Veterans' Homes.
4. It requires that the Maine Veterans' Homes must seek funds from private and public sources, including, but not limited to, state and federal appropriations and grants for which the State or the homes may be eligible.
5. It requires that the Board of Trustees of the Maine Veterans' Homes must seek comments from the public when adopting rules.
6. It requires the Maine Veterans' Homes to submit in its annual report to the Governor and the joint standing committee of the Legislature having jurisdiction over veterans affairs a description of any efforts to seek funding and information regarding any proposal to discontinue services at a location of the Maine Veterans' Homes or establish a new location of the Maine Veterans' Homes and any amendments to the rules necessary to administer the homes. It allows the committee to report out legislation based upon the report.
7. It establishes requirements that the Board of Trustees of the Maine Veterans' Homes must follow when authorizing the establishment of or discontinuation of services at a public home for veterans.
8. It requires the Board of Trustees of the Maine Veterans' Homes, in collaboration with the Commissioner of Defense, Veterans and Emergency Management and the Commissioner of Health and Human Services, to convene a group of relevant stakeholders to develop a plan for the long-term viability and continuous operation of the Maine Veterans' Homes locations designated in the amendment. The board is required to report that plan to the joint standing committee of the Legislature having jurisdiction over veterans affairs in its annual report presented to the committee in February 2023.

