

## CHAPTER 11

## MAINE VETERANS' HOMES

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

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

[PL 2021, c. 528, §1 (NEW).]

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

[PL 2021, c. 528, §1 (NEW).]

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

[PL 2021, c. 528, §1 (NEW).]

## SECTION HISTORY

PL 1983, c. 460, §3 (NEW). PL 1985, c. 773, §1 (RPR). PL 1989, c. 502, §A141 (AMD). PL 1991, c. 702, §1 (AMD). PL 1993, c. 426, §1 (AMD). PL 1993, c. 427, §10 (AMD). PL 1993, c. 680, §A34 (RPR). PL 1997, c. 98, §1 (AMD). PL 1997, c. 395, §P1 (AMD). PL 1999, c. 288, §1 (AMD). PL 2007, c. 167, §9 (AMD). PL 2009, c. 299, Pt. A, §9 (AMD). PL 2009, c. 406, §13 (AMD). PL 2009, c. 652, Pt. A, §59 (RPR). PL 2015, c. 397, §4 (AMD). PL 2021, c. 528, §1 (RPR).

**§602. Body corporate; powers**

The Maine Veterans' Homes is a body corporate. In addition to other powers granted by this chapter, the Maine Veterans' Homes may: [PL 2015, c. 397, §5 (AMD).]

**1. Contracts.** Make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions under this chapter;  
[PL 1983, c. 460, §3 (NEW).]

**2. Acquire property.** Acquire, in the name of the homes, real or personal property or any interest therein, including rights or easements, on either a temporary or long-term basis by gift, purchase, transfer, foreclosure, lease or otherwise;  
[PL 2015, c. 397, §6 (AMD).]

**3. Hold or dispose of property.** Hold, sell, assign, lease, rent, encumber, mortgage or otherwise dispose of any real or personal property, or any interest therein, or mortgage interest owned by it or in its control, custody or possession and release or relinquish any right, title, claim, lien, interest, easement or demand however acquired, including threat of foreclosure;  
[PL 1983, c. 460, §3 (NEW).]

**4. Procure insurance.** Procure insurance against any loss in connection with its property and other assets in amounts and from insurers which it deems desirable;  
[PL 1983, c. 460, §3 (NEW).]

**5. Receive bequests and donations.** Receive, on behalf of the State, bequests and donations that may be made to improve the general comfort and welfare of the members of the homes or for the betterment of the homes;  
[PL 2015, c. 397, §7 (AMD).]

**6. Borrow funds.** Borrow funds, not in excess of \$50,000,000 in the aggregate, make and issue bonds and negotiate notes and other evidences of indebtedness or obligations of the veterans' homes for prudent and reasonable capital, operational and maintenance purposes. The homes may secure payments of all or part of the obligations by pledge of part of the revenues or assets of the homes that are available for pledge and that may be lawfully pledged or by mortgage of part, or all, of any property owned by the homes. The homes may do all lawful things necessary and incidental to those powers. The homes may borrow money from the Federal Government and its agencies, from state agencies and from any other source. The homes may borrow money from the State subject to approval by the Treasurer of State and the Governor. Bonds, notes and other evidences of indebtedness issued under this subsection do not constitute debts of the State, nor a pledge of the credit of the State, but are payable solely from the funds of the homes; and  
[PL 2015, c. 397, §8 (AMD).]

**7. Other acts.** Do other acts necessary or convenient to exercise the powers granted or reasonably implied in this section.  
[PL 1983, c. 460, §3 (NEW).]

#### SECTION HISTORY

PL 1983, c. 460, §3 (NEW). PL 1985, c. 773, §2 (AMD). PL 1991, c. 702, §2 (AMD). PL 2015, c. 397, §§5-8 (AMD).

#### **§602-A. Development and implementation of geriatric training programs (REPEALED)**

#### SECTION HISTORY

PL 1987, c. 830, §2 (NEW). PL 2003, c. 689, §B6 (REV). PL 2015, c. 397, §9 (RP).

#### **§603. Board of trustees**

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

[PL 2021, c. 528, §2 (AMD).]

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

A. Nine members from a list of nominees submitted to the Governor by the board. The list submitted by the board must include individuals recommended to the board by established veterans' service organizations with chapters in the State and organizations and individuals who have demonstrated leadership in their fields; and [PL 2021, c. 528, §3 (NEW).]

B. Three members who are not members of the United States Armed Forces or the National Guard or veterans and who are not on the list of nominees submitted by the board pursuant to paragraph A. [PL 2021, c. 528, §3 (NEW).]

The membership of the board must reflect the diversity of the State, including, but not limited to, diversity in geographic location, cultural and ethnic background, sexual orientation, gender identity and professional experience. A majority of board members must be honorably discharged veterans. [PL 2021, c. 528, §3 (RPR).]

**3. Terms; vacancies.** Except for the Director of the Maine Bureau of Veterans' Services, board members serve 3-year terms and are limited to serving 3 full terms. In the event of a vacancy, a successor may be appointed to complete a member's unexpired term or to a new 3-year term. Each member continues to hold office until a successor is appointed. [PL 2021, c. 238, §1 (NEW).]

#### SECTION HISTORY

PL 1983, c. 460, §3 (NEW). PL 1983, c. 812, §285 (AMD). PL 1985, c. 773, §3 (AMD). PL 1989, c. 503, §B172 (AMD). PL 1991, c. 626, §24 (AMD). PL 1997, c. 455, §30 (AMD). PL 2001, c. 676, §1 (AMD). PL 2015, c. 397, §10 (AMD). PL 2019, c. 377, §6 (REV). PL 2021, c. 238, §1 (RPR). PL 2021, c. 528, §§2, 3 (AMD).

#### §604. Conduct of board business

**1. Fiscal year.** The board shall adhere to the same fiscal year as the State. [PL 1983, c. 460, §3 (NEW).]

**2. Meetings.** The board shall meet at least 4 times annually. Seven members constitute a quorum. [PL 2021, c. 528, §4 (AMD).]

**3. Selection of officers.** At its first meeting each year, the board shall elect a chair, vice-chair, treasurer and secretary for that fiscal year. [PL 2021, c. 238, §3 (AMD).]

**4. Special meetings.** Special meetings may be called by agreement of a majority of the trustees. [PL 1983, c. 460, §3 (NEW).]

**5. Appointment of chief executive officer.** The board shall appoint a chief executive officer in accordance with section 606. [PL 2015, c. 397, §11 (AMD).]

**6. Other funds.** In order to ensure the continuous operation of the homes in the municipalities listed in section 601, the board shall 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. [PL 2021, c. 528, §5 (AMD).]

**7. Rules.** The board shall adopt rules necessary to administer the homes, to establish just charges for the maintenance of members and to oversee the operation of the homes. In adopting rules, the board shall seek comments and information from staff of the homes, members, members' families, members

of the public and other relevant sources, but the Maine Administrative Procedure Act provisions regarding rulemaking, Title 5, chapter 375, subchapters 2 and 2-A, do not apply. [PL 2021, c. 528, §6 (AMD).]

**8. Assistance.** The Legislature and every department and agency of the State may furnish such assistance, counsel or advice as the board may request or require in the discharge of its duties. [PL 2021, c. 528, §7 (AMD).]

#### SECTION HISTORY

PL 1983, c. 460, §3 (NEW). PL 1987, c. 11, §2 (AMD). PL 2001, c. 676, §2 (AMD). PL 2015, c. 397, §§11, 12 (AMD). RR 2019, c. 1, Pt. B, §44 (COR). PL 2021, c. 238, §§2, 3 (AMD). PL 2021, c. 528, §§4-7 (AMD).

#### **§605. Compensation of the board**

Trustees shall be compensated according to the provisions of Title 5, chapter 379. [PL 1983, c. 812, §286 (RPR).]

#### SECTION HISTORY

PL 1983, c. 460, §3 (NEW). PL 1983, c. 812, §286 (RPR).

#### **§606. Chief executive officer**

The chief executive officer shall administer the homes in accordance with the rules, guidelines and general policies established by the board. The chief executive officer serves an indefinite term, but may be removed for cause by the board. The chief executive officer's salary is set by the board. The chief executive officer shall hire the necessary employees to operate the homes and, whenever possible, give preference in hiring to veterans. These employees are not deemed employees of the State. [PL 2021, c. 238, §4 (AMD).]

#### SECTION HISTORY

PL 1983, c. 460, §3 (NEW). PL 1997, c. 147, §1 (AMD). PL 2015, c. 397, §13 (AMD). PL 2021, c. 238, §4 (AMD).

#### **§607. Admission**

Veterans desiring admission to the homes must apply on forms prescribed by the chief executive officer. The chief executive officer shall grant admission only to veterans who were residents of Maine at the time of their entry into the United States Armed Forces or who are residents of Maine at the time of application, and to the spouses, widows or widowers of eligible veterans, as long as suitable facilities are available. Parents of armed services members who are killed in action or die as a consequence of wounds received in battle are also eligible, as so-called "gold star" parents, for admission. Admission must be granted when provisions of the rules governing private payment, Medicare and Medicaid eligibility to entitled persons are met. [PL 2015, c. 397, §14 (AMD).]

#### SECTION HISTORY

PL 1983, c. 460, §3 (NEW). PL 1983, c. 594, §32 (AMD). PL 1995, c. 211, §1 (AMD). PL 1997, c. 395, §P2 (AMD). PL 2015, c. 397, §14 (AMD).

#### **§608. Charges**

**(REPEALED)**

#### SECTION HISTORY

PL 1983, c. 460, §3 (NEW). PL 2015, c. 397, §15 (RP).

#### **§609. Custody of funds**

**(REPEALED)**

## SECTION HISTORY

PL 1983, c. 460, §3 (NEW). PL 1997, c. 395, §P3 (RP).

**§610. Support and maintenance fund**

All funds received by the Maine Veterans' Homes, including federal Veterans' Administration stipend funds, must be held in a permanent fund to be used as required by the chief executive officer for the support and maintenance of the homes. A percentage of these funds approved by the board of trustees must be placed in reserve for capital improvement expenditures. The board of trustees shall operate the homes, when constructed, as self-liquidating projects until all the bonds issued as provided by this chapter are retired. The Department of Health and Human Services may not modify its principles of reimbursement for long-term care facilities to specifically exclude reimbursement for the depreciation of the assets created with federal or state grants. [PL 2015, c. 397, §16 (AMD).]

## SECTION HISTORY

PL 1983, c. 460, §3 (NEW). PL 1997, c. 395, §P4 (AMD). PL 2003, c. 3, §1 (AMD). PL 2003, c. 689, §B6 (REV). PL 2015, c. 397, §16 (AMD). PL 2021, c. 238, §5 (AMD).

**§610-A. Stipend funds**

The Maine Veterans' Homes retain as direct income revenue any stipend funds they may receive from the federal Veterans' Administration for the homes' entire eligible resident population. [PL 1997, c. 395, Pt. P, §5 (NEW).]

The Department of Health and Human Services may neither receive the proceeds nor require the application of stipend funds in the Medicare or Medicaid rate justification submissions by the Maine Veterans' Homes. [PL 1997, c. 395, Pt. P, §5 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

## SECTION HISTORY

PL 1997, c. 395, §P5 (NEW). PL 2003, c. 689, §B6 (REV).

**§610-B. Use of stipend funds****(REPEALED)**

## SECTION HISTORY

PL 1997, c. 395, §P6 (NEW). PL 1999, c. 288, §2 (AMD). PL 2003, c. 689, §B6 (REV). PL 2015, c. 397, §17 (RP).

**§611. Annual reports**

By February 15, 2023 and annually thereafter, the board shall submit a report to the Governor and the joint standing committee of the Legislature having jurisdiction over veterans affairs. This report must contain a copy of audited financial statements, statistics on members who resided in the homes during the year, any amendments to the rules regarding the administration of the homes made by the board since its last report on the administration of the homes, a description of any efforts to seek funding as required under section 604, subsection 6, recommendations to the Governor and Legislature and information regarding such other matters as the board considers pertinent. The joint standing committee of the Legislature having jurisdiction over veterans affairs may report out legislation based upon the report. [PL 2021, c. 528, §8 (AMD).]

## SECTION HISTORY

PL 1983, c. 460, §3 (NEW). PL 2015, c. 397, §18 (AMD). PL 2021, c. 528, §8 (AMD).

**§612. Discontinuation of services or closure of home**

If the board authorizes the discontinuation of services at or the closure of a public home for veterans, the board shall notify the President of the Senate, the Speaker of the House of Representatives and the joint standing committee of the Legislature having jurisdiction over veterans affairs within 3 days of the authorization and no less than 45 days before submitting a plan for the discontinuation of services or closure of the home to the Department of Health and Human Services if required by law. Within 10 days of receiving notice under this section, the joint standing committee of the Legislature having jurisdiction over veterans affairs, with as much public notice as possible, shall hold a public hearing at which board members shall present the reasons for the discontinuation of services or the closure and the committee shall accept public comments on the discontinuation of services or the closure. At that public meeting the board shall present: [PL 2021, c. 528, §9 (NEW).]

**1. Financial and demographic data.** The financial and demographic data for the regions served by the home, including, but not limited to, information regarding services necessary to meet the needs of eligible veterans and their families in the region; [PL 2021, c. 528, §9 (NEW).]

**2. Plan for care of veterans and families.** The board's plan for the care of veterans receiving care at the home and the family members of those veterans; and [PL 2021, c. 528, §9 (NEW).]

**3. Plan for use or disposition of home.** The board's plan for the use or disposition of facilities after the home is closed. [PL 2021, c. 528, §9 (NEW).]

The joint standing committee of the Legislature having jurisdiction over veterans affairs may report out legislation to any regular or special session of the Legislature based on the information received at the meeting. [PL 2021, c. 528, §9 (NEW).]

## SECTION HISTORY

PL 2021, c. 528, §9 (NEW).

### §613. Maine Veterans' Homes Stabilization Fund

**1. Fund established.** The Maine Veterans' Homes Stabilization Fund, referred to in this section as "the fund," is established in the Department of Defense, Veterans and Emergency Management, Bureau of Veterans' Services as an Other Special Revenue Funds account for the purposes of this section. [PL 2021, c. 680, §1 (NEW).]

**2. Fund purposes.** For the purposes of assisting the board in ensuring the continuous operation of the Maine Veterans' Homes pursuant to section 604, subsection 6, the department may enter into agreements or cooperative arrangements with a state or federal agency or with any person, firm or corporation. The department may receive, administer and disburse any funds or contributions from a state or federal agency, person, firm or corporation, either independently or in conjunction with state funds allocated to these purposes. [PL 2021, c. 680, §1 (NEW).]

**3. Nonlapsing.** Unexpended funds in the fund do not lapse at the end of any fiscal year but are carried forward to be used for the same purposes. [PL 2021, c. 680, §1 (NEW).]

**4. Fund use; notification.** The department shall notify the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and over veterans affairs each time the department plans to transfer or expend any amount from the fund or otherwise affect the balance in the fund no less than 14 days prior to any transfer or expenditure, unless an emergency

proclamation issued under section 742 is in effect. The notification must include the amount of funds required and the purpose for which the funds are required.

[PL 2021, c. 680, §1 (NEW).]

#### SECTION HISTORY

PL 2021, c. 680, §1 (NEW).

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