

## CHAPTER 11

### MAINE VETERANS' HOMES

#### §601. Homes established; purpose

There must be public homes for veterans in Maine known as "Maine Veterans' Homes" for the purpose of providing long-term care, support and related services to eligible veterans and family members of veterans. The Maine Veterans' Homes also are authorized to provide nonnursing facility care and services to Maine veterans if approved by appropriate state and federal authorities. The Maine Veterans' Homes are authorized to 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. 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. 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. [PL 2015, c. 397, §4 (AMD).]

#### 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).

#### §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

The administration of the homes is vested in the Board of Trustees of the Maine Veterans' Homes, as authorized by Title 5, section 12004-G, subsection 34. The board consists of 11 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 trustees. The board shall put forward nominees for the Governor's consideration. The overall make-up of the board should reflect the diversity of Maine, including but not limited to diversity in, geographic location, cultural and ethnic background, sexual orientation, gender identity and professional experience. The board will request nominees for consideration from established veterans service organizations with chapters in Maine as well as from organizations and individuals at large who have demonstrated leadership in their field. The majority of board members must be honorably discharged veterans. Board members are limited to serving three full terms or no more than nine consecutive years. In the event of a vacancy, a successor may be appointed to complete a member's unexpired term or to a new three-year term. Each trustee continues to hold office until a successor can be appointed, who must be honorably discharged veterans. One member must be a woman. One member must be appointed from and represent each of the largest veterans' organizations, not exceeding 5, that are nationally chartered and have a department in Maine. The remaining members must be appointed at large and serve staggered 3-year terms. The membership must be distributed across the State so that approximately 1/3 reside in the southern part of the State, approximately 1/3 in the central part and approximately 1/3 in the northern part. In the event of a vacancy, a successor must be appointed to complete a member's unexpired term. Each trustee continues

~~to hold office until a successor is appointed and qualified.~~ [PL 2015, c. 397, §10 (AMD); PL 2019, c. 377, §6 (REV).]

#### 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).

#### §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~~6 times annually. Six members constitute a quorum.  
[PL 2001, c. 676, §2 (AMD).]

**3. Selection of officers.** At its first annual meeting, ~~which must be held in July each year,~~ the board shall elect a chair, ~~vice chair,~~ treasurer, and secretary for that fiscal year.  
[RR 2019, c. 1, Pt. B, §44 (COR).]

**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.** The board may apply for and receive any grants-in-aid for which the State or the homes may be eligible.  
[PL 2015, c. 397, §12 (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 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 2015, c. 397, §12 (AMD).]

**8. Assistance.** Every department and agency of the State, when requested, may furnish such assistance, counsel or advice as the board may require in the discharge of its duties.  
[PL 1987, c. 11, §2 (NEW).]

#### 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).

#### §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 ~~must be an honorably discharged veteran who~~ 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 2015, c. 397, §13 (AMD).]

#### SECTION HISTORY

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

~~The provisions of this section pertaining to the Department of Human Services' reimbursement of long-term care facilities for depreciation of assets created with federal or state grants do not apply to renovations undertaken by the Maine Veterans' Homes 120-bed Augusta nursing facility in accordance with a certificate of need application filed January 22, 2002. The Department of Health and Human Services shall amend its rules regarding reimbursement of long-term care facilities accordingly. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2003, c. 3, §1 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]~~

#### SECTION HISTORY

**Commented [KJK1]:** This project was completed in 2004.

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).

**§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. Reports**

The board shall submit an annual 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, recommendations to the Governor and Legislature and such other matters as the board deems pertinent. [PL 2015, c. 397, §18 (AMD).]

**SECTION HISTORY**

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

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