

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND SIXTEEN

S.P. 586 - L.D. 1524

An Act To Update the Laws Governing the Maine Veterans' Homes

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

Sec. 1. 22 MRSA §1812-D, as enacted by PL 1987, c. 830, §1 and amended by PL 2003, c. 689, Pt. B, §6, is repealed.

Sec. 2. 22 MRSA §1867, as repealed and replaced by PL 1993, c. 205, §1, is amended to read:

§1867. Distance restriction on placement of Medicaid recipients

The department may make Medicaid reimbursement for a nursing facility contingent on a maximum distance between a patient's home and the nursing facility if the maximum distance is not more than 60 miles; except that the distance restriction may not be applied to a the Maine Veterans' Home Homes.

Sec. 3. 37-B MRSA §509, sub-§2, ¶G, as amended by PL 2015, c. 175, §3, is further amended to read:

G. The ~~administrator~~ chief executive officer of the Maine Veterans' ~~Home~~ Homes when in the conduct of official duties; or

Sec. 4. 37-B MRSA §601, as repealed and replaced by PL 2009, c. 652, Pt. A, §59, is amended to read:

§601. Homes established; purpose

There must be public homes for veterans in Maine known as "Maine Veterans' Homes." ~~In addition to the existing 120 bed home located in Augusta, a 120 bed home located in Scarborough, a home not to exceed 40 beds located in Caribou, a home located in Bangor not to exceed 120 beds, of which 40 beds are dedicated to patients with dementia, and a home located in South Paris not to exceed 90 beds, of which 30 beds are dedicated to patients with dementia, may be constructed if federal Veterans' Administration funds are available to meet part of the costs of each facility for~~

~~construction or operation. In addition, a home located in Machias not to exceed 60 beds may be constructed if federal Veterans' Administration funds or funds from any other state, federal or private source are available to meet part of the costs of the facility for construction or operation, except that the Machias home may not begin operation prior to July 1, 1995 and the construction and funding of the Machias home may not in any way jeopardize the construction, funding or financial viability of any other home. 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 Board of Trustees of the Maine Veterans' Homes shall plan and develop the Machias home and any nonnursing facility care and services using any funds available for that purpose, except for the Augusta facility's funded depreciation account.~~ 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.

Sec. 5. 37-B MRSA §602, first ¶, as enacted by PL 1983, c. 460, §3, is amended to read:

The Maine Veterans' ~~Home~~ Homes is a body corporate. In addition to other powers granted by this chapter, the Maine Veterans' ~~Home~~ Homes may:

Sec. 6. 37-B MRSA §602, sub-§2, as enacted by PL 1983, c. 460, §3, is amended to read:

2. Acquire property. Acquire, in the name of the ~~home~~ 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;

Sec. 7. 37-B MRSA §602, sub-§5, as enacted by PL 1983, c. 460, §3, is amended to read:

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 ~~home~~ homes or for the betterment of the ~~home~~ homes;

Sec. 8. 37-B MRSA §602, sub-§6, as amended by PL 1991, c. 702, §2, is further amended to read:

6. Borrow funds. Borrow funds, not in excess of ~~\$15,000,000~~ \$50,000,000 in the aggregate, make and issue bonds and negotiate notes and other evidences of indebtedness

or obligations of the veterans' ~~home~~ homes for prudent and reasonable capital, operational and maintenance purposes. The ~~home~~ homes may secure payments of all or part of the obligations by pledge of part of the revenues or assets of the ~~home~~ 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 ~~home~~ homes. The ~~home~~ homes may do all lawful things necessary and incidental to those powers. The ~~home~~ homes may borrow money from the Federal Government and its agencies, from state agencies and from any other source. The ~~home~~ 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 ~~shall do not be deemed to~~ constitute debts of the State, nor a pledge of the credit of the State, but ~~shall be~~ are payable solely from the funds of the ~~home~~ homes; and

Sec. 9. 37-B MRSA §602-A, as enacted by PL 1987, c. 830, §2 and amended by PL 2003, c. 689, Pt. B, §6, is repealed.

Sec. 10. 37-B MRSA §603, as amended by PL 2001, c. 676, §1, is further amended to read:

§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 Bureau of Maine Veterans' Services, ex officio, who serves without term. The Governor shall appoint the remaining trustees, who must be honorably discharged ~~war~~ 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.

Sec. 11. 37-B MRSA §604, sub-§5, as enacted by PL 1983, c. 460, §3, is amended to read:

5. Appointment of chief executive officer. The board shall appoint ~~an administrator~~ a chief executive officer in accordance with section 606.

Sec. 12. 37-B MRSA §604, sub-§§6 and 7, as enacted by PL 1983, c. 460, §3, are amended to read:

6. Other funds. The board may apply for and receive any grants-in-aid for which the State or the ~~home~~ homes may be eligible.

7. Rules. The board shall adopt rules necessary to administer the ~~home~~ homes, to establish just charges for the maintenance of members and to oversee the operation of the

~~home homes~~. In adopting rules, the board shall seek comments and information from ~~home staff of the homes~~, members, members' families and other relevant sources, but the Maine Administrative Procedure Act provisions regarding rulemaking, Title 5, chapter 375, ~~subchapter H subchapters 2 and 2-A~~, shall do not apply.

Sec. 13. 37-B MRSA §606, as amended by PL 1997, c. 147, §1, is further amended to read:

§606. Chief executive officer

The ~~administrator~~ chief executive officer must be an honorably discharged veteran who shall administer the ~~home homes~~ in accordance with the rules, guidelines and general policies established by the board. The ~~administrator~~ chief executive officer serves an indefinite term, but may be removed for cause by the board. The ~~administrator's~~ chief executive officer's salary is set by the board. The ~~administrator~~ chief executive officer shall hire the necessary employees to operate the ~~home homes~~ and, whenever possible, give preference in hiring to ~~war~~ veterans. These employees are not deemed employees of the State.

Sec. 14. 37-B MRSA §607, as amended by PL 1997, c. 395, Pt. P, §2, is further amended to read:

§607. Admission

Veterans desiring admission to the ~~home homes~~ must apply on forms prescribed by the ~~administrator~~ chief executive officer. The ~~administrator~~ 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, ~~provided that as long as~~ provided that 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~~ 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.

Sec. 15. 37-B MRSA §608, as enacted by PL 1983, c. 460, §3, is repealed.

Sec. 16. 37-B MRSA §610, first ¶, as amended by PL 1997, c. 395, Pt. P, §4 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

All funds received by the Maine Veterans' ~~Home Homes~~, including federal Veterans' Administration stipend funds, must be held in a permanent fund to be used as required by the ~~administrator~~ 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. ~~Any funds received in excess of that necessary for the support and maintenance of the homes, the capital reserve fund and funds necessary for retirement of any outstanding bonds or indebtedness as those payments become due at the end of each~~

~~fiscal year must be transferred to the Treasurer of State where they are to be applied as credits to the General Fund.~~ 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.

Sec. 17. 37-B MRSA §610-B, as amended by PL 1999, c. 288, §2 and PL 2003, c. 689, Pt. B, §6, is repealed.

Sec. 18. 37-B MRSA §611, as enacted by PL 1983, c. 460, §3, is amended to read:

§611. Reports

The board shall ~~make~~ submit an annual report to the Governor and the joint standing committee of the Legislature having jurisdiction over veterans affairs. This report ~~shall~~ must contain ~~an accounting for all money received and expended~~ a copy of audited financial statements, statistics on members who resided in the ~~home~~ homes during the year, recommendations to the Governor and Legislature and such other matters as the board deems pertinent. ~~The administrator, subject to approval of the board, shall compile a biennial budget on the forms and at the time required of other state agencies.~~

Sec. 19. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 37-B, chapter 11, in the chapter headnote, the words "Maine veterans' home" are amended to read "Maine veterans' homes" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.