

CHAPTER 1451

GENERAL PROVISIONS

§5101. Short title

This Act may be cited as the "1973 Act of Maine's Elderly." [PL 1973, c. 630, §1 (NEW).]

SECTION HISTORY

PL 1973, c. 630, §1 (NEW).

§5102. Declaration of a people

This declaration of a people shall serve as a credo of the elderly offering a philosophy that serves as a general state of policy and basic tenets to guide the administration and implementation of this Act. The declaration of a people: [PL 1973, c. 630, §1 (NEW).]

We older Americans place great emphasis on leading a life of value to our nation, states, communities, friends, families and to ourselves. America's elderly want to and are able to contribute to the good of our fellow human beings, even if such contribution lies outside the traditional realms of employment and productivity. We want to help improve the quality of life of each citizen of the United States regardless of the citizen's age. Our personal experiences, knowledge and skills are our qualifications. We are a strong, vital segment of society. We possess the power of a people. [RR 2021, c. 2, Pt. B, §203 (COR).]

We older Americans believe that attaining the status of senior citizen is merely beginning another stage in the life of each person and is not a signal to withdraw from life. Each person ages from birth to death. We are all aging. [RR 2021, c. 2, Pt. B, §204 (COR).]

While our particular page in the history of humankind is the choice of our Creator, it is our place in history which surrounds us with the consequences of American society. Aging people have been transformed by the events of American society. America's elderly now gain sustenance and meet social needs outside our homes, and have no family under our roof. Once we were dependent on our family, now we are dependent on impersonal organizations, systems and our society as a whole. America's exiling of us as the unwanted generation is its loss -- its economic, its human, its moral, its spiritual loss. [RR 2021, c. 2, Pt. B, §205 (COR).]

We do not want to be taken from the mainstream of life, away from the everyday activities of society, and put on the shelf. We do not want a dole, but rather help in our times of crisis. We wish to live with minimum dependence on other people and government. [PL 1973, c. 630, §1 (NEW).]

To achieve this credo, we older Americans believe the United States must provide us a full and equal opportunity for meeting sustenance and social needs -- the same opportunity that is enjoyed by our fellow citizens. To continue fulfilling our role in history, to continue helping our fellow human beings and to enrich our society; the elderly must be provided an opportunity to attain the basic essentials of life. [PL 1973, c. 630, §1 (NEW).]

To achieve this credo, we believe older Americans must plan, establish, direct and operate our own programs and services. We also believe we must participate in the administration and operation of programs conducted by others for our benefit. Through our programs, we intend to bring benefits not just to ourselves, but to all generations in fulfillment of our personal responsibility to help improve the quality of life of all human beings. [PL 1973, c. 630, §1 (NEW).]

To assist us, our families -- children, siblings, children of siblings -- must care about us. Is it too much to seek, that the people to whom we devoted ourselves, devote themselves to us? [RR 2021, c. 2, Pt. B, §206 (COR).]

To assist us, the government of the United States of America and each State of the Union must conduct programs which are mutually acceptable to us. The programs must be fostered by units on aging located at the highest echelons of government and charged with ultimate line authority and responsibility for any government program serving the elderly. [PL 1973, c. 630, §1 (NEW).]

Government should not do all for the elderly, but rather challenge and help citizens to grasp their personal responsibilities. Government should not be the sole keeper of America's elderly, but rather a help in times of crisis. Programs must help us care for ourselves. They must encourage all people, especially our families to care about us. Programs must provide a strong advocacy of America's elderly, unencumbered by the restrictions of partisan politics and the pressures of special interests, except those interests inherent to this credo of the elderly. [PL 1973, c. 630, §1 (NEW).]

Programs we operate must be distinct and clearly identified as intended to benefit older people, or be identified as the elderly's way of helping humankind. Government programs benefiting America's elderly must be distinct and visibly separate from other government services. This distinctness must be maintained in legislation, sources of funds and generally in operation of programs and services. We believe our policy provides that programs serving older people may be integrated with programs serving broader populations in those instances where gross duplication of identical programs would otherwise result. We also believe that programs with features specifically needed by older people must not be integrated with programs serving broader populations -- even though the programs may be similar -- except where it is conclusively demonstrated that such specific features will be retained or that greater benefits will accrue to the elderly from the integration of programs. [RR 2021, c. 2, Pt. B, §207 (COR).]

First, older people must receive income adequate to obtain the basic essentials of life from the market place, like our fellow Americans; rather than be given income supplement programs, such as food stamps, Old Age Assistance, subsidized housing and property tax relief. Secondly, the elderly with a time of crisis because of age, physical condition or social status must be assisted by appropriations providing services directly to them, such as homemakers, meals on wheels, home health care and nursing homes. [PL 1973, c. 630, §1 (NEW).]

AMERICA MUST CONSIDER AND DECIDE HOW TO ACHIEVE PURPOSEFUL, PRIMARY GOALS TO GIVE PEOPLE WHO ARE AGING THE OPPORTUNITY OF RETURNING TO A FULLER EXISTENCE OR AMERICA SHALL CONTINUE TO RELEGATE PEOPLE WHO ARE AGING TO THE BACK DOOR STOOP OF HISTORY WHERE WE WILL SLIDE INVISIBLY AND UNNOTICED INTO EXTINCTION. THE LAST CHOICE IS NOT ACCEPTABLE. [RR 2021, c. 2, Pt. B, §208 (COR).]

Responsibility for achieving this credo rests on the shoulders of all Americans, but especially our own. We shall attain a life of greater value if each American accepts personal responsibility for our fellow human beings. We shall reestablish our role in society by operating services to help all generations. We shall resurrect our independence by redirecting the country's resources. [RR 2021, c. 2, Pt. B, §209 (COR).]

We shall express the status of our survival to all Americans. We shall carry our call to all the sources of help, to all the seats of power. We shall wield our power as a people. Through our own groups, we shall shatter the bondage of our geriatric shackles. [PL 1973, c. 630, §1 (NEW).]

As older Americans, we grasp the gauntlet of this credo. We pledge ourselves to it. We shall achieve it. We accept the credo's challenge, not with the intent of personal gain, but rather remembering that, what we achieve today will benefit those who follow, for we will soon be gone. [PL 1973, c. 630, §1 (NEW).]

SECTION HISTORY

PL 1973, c. 630, §1 (NEW). RR 2021, c. 2, Pt. B, §§203-209 (COR).

§5103. Declaration of objectives

1. Objectives. It is declared that, in keeping with the traditional American concept of the inherent dignity of the individual in our society, the older people of our State are entitled to, and it is the joint and several duty of the individual, the individual's family, relatives and friends; the community and private agencies of the community; and the governments of the political subdivisions of this State, the State of Maine and the United States of America to assist our older people to secure equal opportunity to full and free enjoyment of the following objectives:

A. An adequate income in retirement in accordance with the American standard of living; [PL 1973, c. 630, §1 (NEW).]

B. The best possible physical and mental health that science can make available and without regard to economic status; [RR 2021, c. 2, Pt. B, §210 (COR).]

C. Suitable housing, independently selected, designed and located with reference to special needs and available at costs that older citizens can afford; [RR 2021, c. 2, Pt. B, §210 (COR).]

D. Full restorative services for those who require institutional care; [PL 1973, c. 630, §1 (NEW).]

E. Opportunity for employment with no discriminatory personnel practices because of age; [PL 1973, c. 630, §1 (NEW).]

F. Retirement in health, honor and dignity after years of contribution to the economy; [PL 1973, c. 630, §1 (NEW).]

G. Pursuit of a meaningful life within the widest range of civic, cultural, and recreational opportunities; [PL 1973, c. 630, §1 (NEW).]

H. Efficient community services, including access to low-cost transportation, that provide social assistance in a coordinated manner and that are readily available when needed; [RR 2021, c. 2, Pt. B, §210 (COR).]

I. Immediate benefit from proven research knowledge that can sustain and improve health and happiness; [RR 2021, c. 2, Pt. B, §210 (COR).]

J. Freedom, independence and the free exercise of individual initiative in planning and managing their own lives. [PL 1973, c. 630, §1 (NEW).]
[RR 2021, c. 2, Pt. B, §210 (COR).]

2. Purpose. It is further declared that thousands of older people in this State are suffering unnecessary harm from the lack of adequate services. It is therefore the purpose of this Act, in support of the above objectives, to:

A. Make available programs which include a full range of health, education and social services to our older citizens who need them; [PL 1973, c. 630, §1 (NEW).]

B. Give full and special consideration to older citizens with special needs in planning such programs and, pending the availability of such programs for all older citizens, give priority to the elderly with the greatest economic and social need; [PL 1973, c. 630, §1 (NEW).]

C. Provide programs which will assure the coordinated and effective delivery of a full range of essential services to our older citizens and, where applicable, also furnish meaningful employment opportunities for many individuals, including older persons, young persons and volunteers from the community; and [PL 1973, c. 630, §1 (NEW).]

D. Insure that the planning and operation of such programs will be undertaken as a partnership of older citizens, families, community leaders, private agencies and community, state and local

governments, with appropriate assistance as available from the Federal Government. [PL 1973, c. 630, §1 (NEW).]

[PL 1973, c. 630, §1 (NEW).]

SECTION HISTORY

PL 1973, c. 630, §1 (NEW). RR 2021, c. 2, Pt. B, §210 (COR).

§5104. Definitions

For the purposes of this Act, unless the context otherwise indicates, the following words shall have the following meanings. [PL 1973, c. 793, §3 (RPR).]

1. Agreement. "Agreement" means a legally binding document between 2 parties including such documents as are commonly referred to as accepted application, proposal, prospectus, contract, grant, joint or cooperative agreement or purchase of service.
[PL 1973, c. 793, §3 (RPR).]

1-A. Adult. "Adult" means any person who has attained the age of 18 years or who is a legally emancipated minor.
[PL 1989, c. 329, §7 (NEW).]

1-B. Aging, elderly or older person. "Aging, elderly or older person" are synonymous terms, and mean any person 60 years of age or older or any person otherwise described as elderly or older for the purpose of eligibility for assistance or services under specific federal or state laws and programs.
[PL 1989, c. 329, §7 (NEW).]

2. Bureau or state agency.
[PL 2011, c. 657, Pt. BB, §4 (RP).]

3. Commissioner. "Commissioner" means the Commissioner of Health and Human Services, or the commissioner's successors.
[RR 2021, c. 2, Pt. B, §211 (COR).]

4. Committee.
[PL 2011, c. 657, Pt. BB, §5 (RP).]

5. Department. "Department" means the Maine Department of Health and Human Services.
[PL 1975, c. 293, §4 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

5-A. Dependent adult. "Dependent adult" means any adult who is wholly or partially dependent upon one or more other persons for care or support, either emotional or physical, and who would be in danger if that care or support were withdrawn.
[PL 2011, c. 542, Pt. A, §37 (AMD).]

6. Director.
[PL 2011, c. 657, Pt. BB, §6 (RP).]

7. Elderly or older people.
[PL 1989, c. 329, §11 (RP).]

7-A. Incapacitated adult. "Incapacitated adult" means any adult who is impaired by reason of mental illness, mental deficiency, physical illness or disability to the extent that the adult lacks sufficient understanding or capacity to make or communicate responsible decisions concerning that individual's person, or to the extent the adult cannot effectively manage or apply that individual's estate to necessary ends.
[PL 2011, c. 542, Pt. A, §38 (AMD).]

8. Nonprofit organization. "Nonprofit organization" means any agency, institution or organization which is, or is owned and operated by, one or more corporations or associations no part

of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual and which has a territory of operations that may extend to a neighborhood or community region or the State.

[PL 1989, c. 329, §13 (AMD).]

9. Public. "Public" means municipal, county and other governmental bodies which are political subdivisions within the State of Maine.

[PL 1973, c. 793, §3 (NEW).]

10. Rural area. "Rural area" means a geographical area or place of less than 10,000 inhabitants. "Rural population" consists of all persons living in places of less than 10,000 inhabitants incorporated as cities, villages, boroughs and towns, including those persons living in the rural portions of extended cities, unincorporated places of less than 10,000 inhabitants and other territory, incorporated or unincorporated.

[P&SL 1975, c. 90, §C, §1 (NEW).]

11. Extended city. "Extended city" means a city containing one or more areas, each of at least 5 square miles in extent and with a population density of less than 100 persons per square mile according to the 1970 census. The area or areas shall constitute at least 25% of the land area of the legal city or total 5 square miles or more.

[P&SL 1975, c. 90, §C, §1 (NEW).]

SECTION HISTORY

PL 1973, c. 630, §1 (NEW). PL 1973, c. 793, §3 (RPR). P&SL 1975, c. 90, §§SEC.C,1 (AMD). PL 1975, c. 293, §4 (AMD). PL 1981, c. 470, §A103 (AMD). PL 1989, c. 329, §§7-13 (AMD). PL 2003, c. 689, §B6 (REV). PL 2011, c. 542, Pt. A, §§37, 38 (AMD). PL 2011, c. 657, Pt. BB, §§4-6 (AMD). RR 2021, c. 2, Pt. B, §211 (COR).

§5104-A. State agencies to cooperate

State agencies shall cooperate fully with the department in carrying out this Part. The department is authorized to request such personnel, financial assistance, facilities and data as are reasonably required to assist it to fulfill its powers and duties. [PL 2011, c. 657, Pt. BB, §7 (AMD).]

State agencies proposing to develop, establish, conduct or administer programs or to assist programs relating to this Part shall, prior to carrying out such actions, consult with the department. [PL 2011, c. 657, Pt. BB, §7 (AMD).]

All agencies of State Government shall advise the department of their proposed administrative fiscal and legislative activities relating to this Part. [PL 2011, c. 657, Pt. BB, §7 (AMD).]

State agencies, in the implementation of their activities relating to this Part, shall keep the department fully informed of their progress. [PL 2011, c. 657, Pt. BB, §7 (AMD).]

SECTION HISTORY

PL 1973, c. 793, §4 (NEW). PL 2011, c. 657, Pt. BB, §7 (AMD).

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