

1 2 3	(Governor's Bill) (EMERGENCY) FIFTH SPECIAL SESSION
4 5 6	ONE HUNDRED AND TENTH LEGISLATURE
7 8	Legislative Document No. 2152
9 10	H. P. 2420 Reference to the Committee on State Government suggested and ordered printed. EDWIN H. PERT, Clerk Presented by Representative Kany of Waterville. Cosponsor: Senator Gill of Cumberland.
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12 13	STATE OF MAINE
14 15 16	IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-TWO
17 18 19 20 21	AN ACT to Designate the Director of the Bureau of Medical Services as a Major Policy- influencing Position Within the Department of Human Services.
22 23 24	Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and
25 26 27	Whereas, the Maine Administrative Procedure Act permits only those policymakers specified in Title 5, section 711, to conduct rule-making hearings; and
28 29 30	Whereas, the current organization of the Department of Human Services has the Bureau of Medical Services adminis- tering the Medicaid Program; and
31 32	Whereas, the statutes do not permit the present bureau director to conduct public hearings; and

1 Whereas, this statute does not allow for the best and 2 efficient utilization of Department of Human Services' staff 3 and policymakers; and

4 Whereas, in the judgment of the Legislature, these 5 facts create an emergency within the meaning of the Consti-6 tution of Maine and require the following legislation as 7 immediately necessary for the preservation of the public 8 peace, health and safety; now, therefore,

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

10 Sec. 1. 5 MRSA §711, sub-§2, ¶A, sub-¶(6), div. (f), 11 as amended by PL 1981, c. 10, §6, is further amended to 12 read:

13 (f) Director, Bureau of Income Maintenance; and

14 Sec. 2. 5 MRSA §711, sub-§2, ¶A, sub-¶(6), div. (g), 15 as repealed and replaced by PL 1977, c. 674, §6, is amended 16 to read:

17 (g) Director, State Health Planning and Development
18 Agency; and

19 Sec. 3. 5 MRSA 711, sub-2, A, sub-1(6), div. (h) 20 is enacted to read:

21 (h) Director, Bureau of Medical Services.

22 **Emergency clause.** In view of the emergency cited in 23 the preamble, this Act shall take effect when approved.

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STATEMENT OF FACT

25 This bill places the Director of the Bureau of Medical 26 Title 5, section 711 which Services in lists maior 27 policy-influencing positions in State Government. This position is excluded from bargaining. There are 7 bureaus 28 in the Department of Human Services. The directors of 6 of these bureaus are listed in section 711. The purpose of 29 30

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1 this bill is to allow the Director of the Bureau of Medical 2 Services to comply with the provisions of Title 5, section 3 8052, subsection 2, paragraph B. This section requires any 4 person conducting a hearing pursuant to rule-making provi-5 sions of the Maine Administrative Procedure Act to be listed 6 in section 711.

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