

MAINE STATE LEGISLATURE

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(EMERGENCY)

FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 844

S.P. 279

In Senate, February 23, 1983

Referred to the Committee on Health and Institutional Services. Sent down for concurrence and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Gill of Cumberland.

Cosponsors: Senator Danton of York, Representative Rolde of York and Representative Higgins of Scarborough.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-THREE

AN ACT Relating to the Principles of
Reimbursement for Intermediate Care
Facilities for the Mentally Retarded.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, 2 group homes for the retarded, in Scarborough and Waterville, cannot financially survive until this bill would normally take effect; and

Whereas, policies of the Department of Human Services are being unfairly applied to these homes, creating financial hardship and the danger of closing; and

1 Whereas, there are no other facilities available
2 for the residents of the homes for the retarded to go
3 to; and

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

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

12 **Sec. 1. Principles to apply only to certificate**
13 **of need applications submitted after July 1,**
14 **1982.** The principles of reimbursement for intermedi-
15 ate care facilities for the mentally retarded shall,
16 with respect to new facilities, be applicable only to
17 certificate of need applications submitted after July
18 1, 1982.

19 **Sec. 2. Retention of incentive payment.** The
20 principles of reimbursement for intermediate care
21 facilities for the mentally retarded shall provide
22 for facilities to retain an incentive payment equal
23 to 100% of the savings represented by the difference
24 between the department's appropriate share of its
25 allowable cost expenses and the amount paid by the
26 department.

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

30 STATEMENT OF FACT

31 The purpose of this bill is set out in the emer-
32 gency preamble.

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