

# MAINE STATE LEGISLATURE

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L.D. 422

(Filing No. H-277 )

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
113TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 323, L.D. 422,  
Bill, "AN ACT to Streamline the Delivery of Residen-  
tial Treatment Services to Children in Need."

Amend the Bill by inserting before the enacting  
clause the following:

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

Whereas, the current contract period for residen-  
tial treatment centers expires June 30, 1987; and

Whereas, this legislation provides new contract  
procedures necessary to implement those contracts;  
and

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

Further amend the Bill in section 1 by striking  
out everything after the amending clause and insert-  
ing in its place the following:

'§8152. Responsibilities

The responsibilities of the Children's Residen-  
tial Treatment Committee shall be as follows.

1. Planning. The committee, in consultation with  
the Residential Treatment Centers Advisory Group,  
shall develop overall state policies for placement of

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1 children in need of treatment in residential treat-  
2 ment centers.

3 2. Implementation. The committee shall develop a  
4 plan to implement those policies. The plan shall in-  
5 clude a determination of the current and projected  
6 need for placement of children in residential treat-  
7 ment centers. The plan shall also determine the num-  
8 ber of children to be served in residential treatment  
9 centers.

10 3. Contract procedures. The committee shall de-  
11 velop, in consultation with the Residential Treatment  
12 Centers Advisory Group, contract procedures for the  
13 provision of these services by community-based  
14 provider agencies consistent with the following re-  
15 quirements.

16 A. Residential treatment centers desiring to  
17 provide services to children in need of placement  
18 shall submit the necessary budget data to the  
19 Children's Residential Treatment Committee on or  
20 before May 15th of each year.

21 B. The Children's Residential Treatment Commit-  
22 tee shall prepare for the State to offer the res-  
23 idential treatment centers a contract, by July  
24 1st of each year, which must state:

25 (1) The reason for the number of children  
26 being contracted for;

27 (2) The rate established for payment for  
28 those services; and

29 (3) The basis for that rate.

30 C. An interim rate procedure shall be estab-  
31 lished consistent with subsection 4.

32 4. Interim rate. If a residential treatment cen-  
33 ter has substantially complied with subsection 3,

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1 paragraph A, and if the State has not offered, in  
2 good faith, a contract to a residential treatment  
3 center by July 1st of each year, services which are  
4 currently being provided by that residential treat-  
5 ment center shall be paid at a rate equal to the rate  
6 established immediately prior to July 1st of each  
7 year, increased or decreased by the most current wage  
8 and price index established by Data Resources, Inc.  
9 This interim rate shall remain in effect for a resi-  
10 dential treatment center until the State offers that  
11 residential treatment center a contract. The rate  
12 shall then return to the level established immediat-  
13 ly prior to July 1st of each year until a negotiated  
14 contract has been signed by both parties.

15 5. Rules. The committee shall develop and  
16 promulgate rules to carry out the purpose of this  
17 section by January 1, 1988.'

18 Further amend the Bill by inserting at the end  
19 before the Statement of Fact the following:

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

23 FISCAL NOTE

24 There is a potential future fiscal impact associ-  
25 ated with this bill, but it cannot be determined at  
26 this time. The bill requires an automatic increase or  
27 decrease in payments to community-based provider  
28 agencies based on a figure developed by Data Re-  
29 sources, Inc. This unknown figure would be applicable  
30 every July 1st if the State and the provider agencies  
31 did not first sign negotiated contracts.'

