

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1806

H.P. 1240

House of Representatives, May 6, 1991

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on Human Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative CARROLL of Gray.

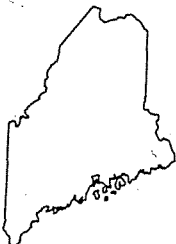
STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**An Act to Ensure Payment of Reasonable Costs of Operating
Community-based Facilities for the Mentally Retarded.**

(AFTER DEADLINE)

(EMERGENCY)



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

Whereas, reimbursement for community-based services for persons with mental retardation is inadequate to cover the cost of those services, particularly in the area of retaining and recruiting staff; and

Whereas, the budget of the Bureau of Mental Retardation budget for fiscal years 1991-92 and 1992-93 contains no cost-of-living increases for community-based services; 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 preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 34-B MRSA §5435, sub-§2, ¶D is enacted to read:

D. The bureau shall consider the reasonable costs of providing mental retardation services and shall adjust annually the rate of payment for a unit of service, effective as of July 1st, by the estimated percentage increase in the cost of goods and services purchased by health care facilities published by Data Resources, Inc. as of January 1st for that year. A similar adjustment must be made when the bureau provides matching or seed funds.

Sec. 2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1991-92	1992-93
MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF		
Mental Retardation Services - Community		
All Other	\$1,738,808	\$2,951,744
Provides funds for cost-of-living increases to provider agencies and increases their ability to recruit and retain qualified		

2 direct service by increasing
the base salary to \$7 per
4 hour.

6 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.

8
10 **STATEMENT OF FACT**

12 The cost of operating community-based day and residential
facilities and providing habilitation services to persons with
14 developmental disabilities is exceeding the amount allocated to
the Bureau of Mental Retardation for funding those facilities and
16 services. The effects of the cost increases are most pronounced
in the area of retaining and recruiting staff.

18 The appropriation requested will enable affected facilities
to increase base wages for direct service staff to the
20 competitive rate of \$7 per hour and to make corresponding
adjustments in related staff wages and salaries. This base wage
22 for entry-level staff, which requires a high school degree and no
experience, is less than that paid by the State for these
24 persons. That base wage is comparable to that paid by other
health care facilities that seek people with this career interest
26 and that compete for the same limited pool of workers.

28 The bill enables the Bureau of Mental Retardation to make
annual adjustments in payments to providers to reflect changes in
30 the cost of health care services as measured by Data Resources,
Inc. The Data Resources, Inc. index is used elsewhere in Maine
32 law and by many other states for adjustments to provider payments.