

MAINE STATE LEGISLATURE

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R. of S.

L.D. 1732

DATE: 3/4/94

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HUMAN RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1284, L.D. 1732, Bill, "An Act to Establish a System of Performance-based Agreements for the Provision of Certain Social Services"

Amend the bill by striking out all of section 3.

Further amend the bill in section 5 by inserting at the end the following:

'5. In implementing this section, the regional mental health authority board shall ensure that hold-harmless provisions are applied to each contractor during the first performance-based contract period or 12 months, whichever is greater.'

Further amend the bill in section 6 in subsection 1 by striking out all of paragraph A (page 4 lines 47 to 49 and page 5 lines 1 to 21 in L.D.) and inserting in its place the following:

'A. The 13 members of the former Administrative Costs Task Force established pursuant to Private and Special Law 1993, chapter 48, who must be appointed to the committee in the same manner as they were appointed to that task force, except that members of that task force who no longer meet the criteria under which they were appointed to that task force may not be appointed to the committee, and their replacements must be appointed in the same manner as the original appointments;'

COMMITTEE AMENDMENT

R. of S.

COMMITTEE AMENDMENT "A" to H.P. 1284, L.D. 1732

2 Further amend the bill in section 6 in subsection 2 in the
2nd blocked paragraph in the 5th line (page 6, line 17 in L.D.)
4 by striking out the following: ", Department of Corrections"

6 Further amend the bill in section 6 in subsection 2 by
inserting after the 3rd blocked paragraph the following:

8 'The committee shall study the feasibility of and make
10 recommendations regarding the implementation of a system of
performance-based contracting in the Department of Corrections.'

12 Further amend the bill in section 6 by striking out all of
14 subsection 3 and inserting in its place the following:

16 '3. Compensation not authorized. Members of the committee
may not receive compensation or reimbursement for expenses.'

18 Further amend the bill by renumbering the sections to read
20 consecutively.

22 Further amend the bill by inserting at the end before the
statement of fact the following:

24 **FISCAL NOTE**

26 The Departments of Human Services and Mental Health and
28 Mental Retardation will require additional resources beginning in
fiscal year 1995-96 to fully implement performance-based
30 contracting. The General Fund appropriations required will
depend on the amount of funding available from federal and other
32 sources and on the specific management information needs of the 2
departments at that time which cannot be estimated.

34 The Department of Human Services and the Department of
36 Mental Health and Mental Retardation will incur some minor
additional costs during fiscal year 1994-95 to begin the
38 implementation process. These costs can be absorbed within the
departments' existing budgeted resources.

40 The additional costs to participate as a member of the
42 oversight committee can be absorbed by the Department of
Corrections utilizing existing budgeted resources.

44 The Legislature can absorb miscellaneous committee costs and
46 the costs related to staffing the committee during the interim
between sessions. The costs associated with printing the
48 committee's report in fiscal year 1998-99 cannot be determined.
However, General Fund appropriations may be required if those
50 costs are significant.'

STATEMENT OF FACT

The amendment does the following.

1. It removes the requirement that the Department of Corrections implement a system of performance-based contracts and directs the Oversight Committee on Performance-based Contracting with examining that issue.

2. It clarifies that the one-year hold-harmless provisions apply to contractors of the regional mental health authority board.

3. It prohibits compensation or expenses from being paid to members of the Oversight Committee on Performance-based Contracting and it clarifies how appointments to that committee are made.

4. It adds a fiscal note to the bill.