

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

SECOND REGULAR SESSION-1996

Legislative Document

No. 1773

H.P. 1291

House of Representatives, February 13, 1996

**An Act to Ensure the Continued Stability of Services for Persons with
Mental Retardation.**

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on Human Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative FITZPATRICK of Durham.
Cosponsored by Representatives: BRENNAN of Portland, DAGGETT of Augusta, DORE of
Auburn, ETNIER of Harpswell, GOULD of Greenville, MAYO of Bath, MITCHELL of
Portland, POVICH of Ellsworth.

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

4 **Whereas,** agencies providing services to people with mental
6 retardation are facing severe increases in workers' compensation
insurance rates due to a reclassification of the worksites; and

8 **Whereas,** current reimbursement for services being provided
10 by these agencies is not adequate to pay the increased workers'
compensation insurance rates; and

12 **Whereas,** the Department of Mental Health and Mental
14 Retardation has failed to develop a plan to resolve this problem;
and

16 **Whereas,** some agencies face the possibility of closure due
18 to their inability to make payment of their workers' compensation
insurance premiums; and

20 **Whereas,** in the judgment of the Legislature, these facts
22 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
24 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

28 **Sec. 1. Rates for fee-for-service programs.** Beginning July 1,
30 1996, all rates for fee-for-service programs paid by the
Department of Mental Health and Mental Retardation to private
32 agencies providing services to individuals with mental
retardation must consist of 2 parts. The first part must be
34 based upon negotiations between the department and the individual
agency for projected costs to provide that service. The 2nd part
36 must be the actual cost of workers' compensation insurance for
that service, which must be adjusted annually upon renewal of the
38 insurance.

40 **Sec. 2. Workplace safety program.** Prior to entering into an
agreement with a private agency to provide services, the
42 Department of Mental Health and Mental Retardation shall ensure
that the agency has an acceptable workplace safety program in
44 place. The program must be approved by the agency's insurance
carrier and must include, at a minimum, regular workplace
46 inspections, employee training, accident and injury follow-up and
employee safety awareness training.

2 **Sec. 3. Report on special classification.** The Superintendent of
Insurance is directed to review with the assistance of the
4 National Council of Compensation Insurance the establishment of a
workers' compensation special classification for employees of
6 nonprofit agencies that provide services, including
rehabilitation work programs, for persons with mental retardation
8 and to report on that review to the Joint Standing Committee on
Human Resources and the Joint Standing Committee on Banking and
10 Insurance by September 1, 1996.

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

14

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STATEMENT OF FACT

18 This bill provides a 2-part mechanism for the payment of
premiums for workers' compensation insurance carried by private
20 agencies providing services to individuals with mental
retardation beginning July 1, 1996. It requires the
22 Superintendent of Insurance to review the establishment of a
special classification for workers at these facilities and to
24 report by September 1, 1996 to the banking and insurance and
human resources committees.