## MAINE STATE LEGISLATURE

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## 118th MAINE LEGISLATURE

## FIRST SPECIAL SESSION-1997

Legislative Document

No. 1881

H.P. 1331

House of Representatives, May 20, 1997

Resolve, Regarding Legislative Review of Portions of Chapter II, Section 67: Nursing Facilities Services, Maine Medical Assistance Manual, a Major Substantive Rule of the Department of Human Services, Bureau of Medical Services.

(EMERGENCY)

Submitted by the Department of Human Services pursuant to the Maine Revised Statutes, Title 5, section 8072.

Reference to the Joint Standing Committee on Health and Human Services suggested and printing ordered.

OSEPH W. MAYO, Clerk

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

Whereas, the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II-A, requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter II, Section 67: Nursing Facilities Services, Maine Medical Assistance Manual, a provisionally adopted major substantive rule of the Department of Human Services, Bureau of Medical Services, submitted to the Legislature for review pursuant to the Maine Administrative Procedure Act, is authorized.

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

## **SUMMARY**

This resolve provides for legislative review of portions of Chapter II, Section 67: Nursing Facilities Services, Maine Medical Assistance Manual, a major substantive rule of the Department of Human Services, Bureau of Medical Services.

These rules were filed after the filing deadline for 1997, established in the Maine Revised Statutes, Title 5, section 8072, subsection 7, and are, therefore, subject to 1998 filing and review deadlines. The Legislature will conduct the review required under Title 5, chapter 375, subchapter II-A at the First Special Session of the 118th Legislature or any subsequent special session held in 1997, if it determines such review to be appropriate, or, if not, in 1998 during the Second Regular Session of the 118th Legislature. The board may not finally adopt or implement these rules until they are reviewed by the Legislature.