

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 809

S.P. 317

In Senate, March 3, 2009

**An Act To Preserve the Viability of Services to Maine's Citizens
with Mental Retardation**

(EMERGENCY)

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator CRAVEN of Androscoggin.
Cosponsored by Representative CONNOR of Kennebunk and
Senator: MILLS of Somerset, Representatives: LAJOIE of Lewiston, LEGG of Kennebunk,
LEWIN of Eliot, MILLER of Somerville, PERRY of Calais, ROTUNDO of Lewiston,
STRANG BURGESS of Cumberland.

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

3 Whereas, the Mental Retardation Waiver - MaineCare program is facing a
4 significant shortfall for the current fiscal year; and

5 Whereas, a significant amount of the shortfall is due to the extraordinary amount of
6 claims paid from the account for prior fiscal years; and

7 Whereas, the shortfall has caused the Department of Health and Human Services to
8 make dramatic cuts to services being delivered in the current fiscal year; and

9 Whereas, the Department of Health and Human Services has also been forced to
10 close the waiver to new individuals; and

11 Whereas, this program represents the safety net for Maine's most vulnerable
12 citizens; and

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

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

18 **Sec. 1. Additional federal matching assistance percentage funding;**
19 **Department of Health and Human Services; authorized expenditure.**
20 Notwithstanding any other provision of law, in the event that any temporary increase in
21 Maine's federal matching assistance percentage exceeds \$98,800,000, the State Budget
22 Office shall transfer up to \$15,000,000 by financial order to the Department of Health
23 and Human Services Mental Retardation Waiver - MaineCare program upon approval of
24 the Governor. The funds must be used for a one-time initiative to restore services to the
25 level provided during the first half of fiscal year 2008-09.

26 **Sec. 2. Appropriations and allocations.** The following appropriations and
27 allocations are made.

28 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**
29 **Mental Retardation Waiver - MaineCare 0987**

30 Initiative: Provides funds to restore services to the level provided during the first half of
31 fiscal year 2008-09.

32

33 GENERAL FUND	2008-09
34 All Other	\$15,000,000
35	
36 GENERAL FUND TOTAL	<u>\$15,000,000</u>

