

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

SECOND SPECIAL SESSION

November 18, 1983

AND AT THE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

AND AT THE

THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH
IN ACCORDANCE WITH MAINE REVISED STATUTES
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co., Inc.
Augusta, Maine
1986

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND ELEVENTH LEGISLATURE
JANUARY 4, 1984 TO APRIL 25, 1984

Sec. 23. 9-A MRSA §8-208, sub-§1, ¶A, as enacted by PL 1981, c. 243, §25, is amended to read:

A. Any actual damage sustained by such person as a result of the failure; or

Sec. 24. Transition provision. Notwithstanding the Revised Statutes, Title 9-A, section 2-302, subsection 1, the administrator may, for purposes of staggering the renewal dates of existing licenses, cause certain licensees whose licenses must be renewed in 1984, to be renewed, upon proper application, for only one year. In those cases where a license has been renewed for only one year, the license fee shall be 1/2 the biennial renewal fee.

Effective July 25, 1984.

CHAPTER 721

H.P. 1673 - L.D. 2218

AN ACT Authorizing an Adoption
Assistance Compact and Procedures
for Interstate Services Payments.

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

22 MRSA c. 1152-A is enacted to read:

CHAPTER 1152-A

ADOPTION ASSISTANCE COMPACT

§4171. Findings and purposes

1. Findings. The Legislature finds that:

A. Finding adoptive families for children for whom state assistance is desirable, pursuant to Title 19, chapter 10, the Adoption Subsidy Act, and assuring the protection of the interests of the children affected during the entire assistance period, require special measures when the adoptive parents move to other states or are residents of another state; and

B. Provision of medical and other necessary services for children with state assistance encour-

ters special difficulties when the provision of services takes place in other states.

2. Purposes. The purposes of this chapter are to:

A. Authorize the department to enter into interstate agreements with agencies of other states for the protection of children on behalf of whom adoption assistance is being provided by the department; and

B. Provide procedures for interstate children's adoption assistance payments, including medical payments.

§4172. Compacts authorized; definitions

1. Authorization. The department may develop, participate in the development of, negotiate and enter into one or more interstate compacts on behalf of this State with other states to implement one or more of the purposes set forth in this chapter. When so entered into, and for so long as it shall remain in force, such a compact shall have the force and effect of law.

2. Definitions. As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings.

A. "Adoption assistance state" means the State that is signatory to an adoption assistance agreement in a particular case.

B. "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands or a territory or possession of or administered by the United States.

C. "Residence state" means the State of which the child is a resident by virtue of the residence of the adoptive parents.

§4173. Contents of compacts

1. Content. A compact entered into pursuant to the authority conferred by this chapter shall have the following content:

A. A provision making it available for joinder by all states;

B. A provision or provisions for withdrawal from the compact upon written notice to the parties, but with a period of one year between the date of the notice and the effective date of the withdrawal;

C. A requirement that the protection afforded by or pursuant to the compact continue in force for the duration of the adoption assistance and be applicable to all children and their adoptive parents who, on the effective date of the withdrawal, are receiving adoption assistance from a party state other than the one in which they are resident and have their principal place of abode;

D. A requirement that each instance of adoption assistance to which the compact applies be covered by an adoption assistance agreement in writing between the adoptive parents and the state child welfare agency of the State which undertakes to provide the adoption assistance and that any such agreement be expressly for the benefit of the adopted child and enforceable by the adoptive parents and the state agency providing the adoption assistance; and

E. Such other provisions as may be appropriate to implement the proper administration of the compact.

§4174. Optional contents of compacts

1. Optional content. A compact entered into pursuant to the authority conferred by this chapter may contain provisions in addition to those required pursuant to section 4173, as follows:

A. Provisions establishing procedures and entitlements to medical, developmental, child care or other social services for the child in accordance with applicable laws, even though the child and the adoptive parents are in a state other than the one responsible for or providing the services or the funds to defray part or all of the costs thereof; and

B. Such other provisions as may be appropriate or incidental to the proper administration of the compact.

§4175. Medical assistance

1. Medical assistance identification. A child with special needs resident in this State who is the

subject of an adoption assistance agreement with another state shall be entitled to receive a medical assistance identification from this State, upon the filing in the department of a certified copy of the adoption assistance agreement obtained from the adoption assistance state. In accordance with regulations of the department, the adoptive parents shall be required at least annually to show that the agreement is still in force or has been renewed.

2. Processing and payment of claims. The department shall consider the holder of a medical assistance identification pursuant to this section as any other holder of a medical assistance identification under the laws of this State and shall process and make payment on claims on account of that holder in the same manner and pursuant to the same conditions and procedures as for other recipients of medical assistance.

3. Coverage; benefits. The department shall provide coverage and benefits for a child who is in another state and who is covered by an adoption assistance agreement made by the department for the coverage or benefits, if any, not provided by the residence state. The adoptive parents acting for the child may submit evidence of payment for services or benefit amounts not payable in the residence state and shall be reimbursed. There shall be no reimbursement for services or benefit amounts covered under any insurance or other 3rd party medical contract or arrangement held by the child or the adoptive parents. The department shall make regulations implementing this subsection. The additional coverage and benefit amounts provided pursuant to this subsection shall be for services to the cost of which there is no federal contribution, or which, if federally aided, are not provided by the residence state. Among other things, the regulations shall include procedures to be followed in obtaining prior approvals for services in those instances where required for the assistance.

4. False claims. The submission of any claim for payment or reimbursement for services or benefits, pursuant to this section or the making of any statement in connection therewith, which claim or statement the maker knows or should know to be false, misleading or fraudulent shall be punishable as perjury and subject to the provisions of the Maine Criminal Code and other applicable laws.

5. Application. The provisions of this section shall apply only to medical assistance for children

under adoption assistance agreements from states that have entered into a compact with this State under which the other state provides medical assistance to children with special needs under adoption assistance agreements made by this State. All other children entitled to medical assistance, pursuant to adoption assistance agreements entered into by this State, shall be eligible to receive it in accordance with the laws and procedures applicable thereto.

§4176. Federal participation

1. Federal payments and aid. Consistent with federal law, the department, in connection with the administration of this chapter and any compact pursuant to this chapter, shall include in any state plan made pursuant to the Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272, Titles IV-E and XIX of the United States Social Security Act, and any other applicable federal laws, the provision of adoption assistance and medical assistance for which the Federal Government pays some or all of the cost. The department shall apply for and administer all relevant federal aid, in accordance with law.

Effective July 25, 1984.

CHAPTER 722

H.P. 1481 - L.D. 1944

AN ACT to Assure Greater Independence
to the Certificate of Need Advisory Committee
and for Other Purposes.

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

22 MRSA §307, sub-§§2-A and 2-B, as enacted by PL 1981, c. 705, Pt. V, §25, are amended to read:

2-A. Certificate of Need Advisory Committee. There is established within the Department of Human Services a Certificate of Need Advisory Committee, which shall participate with the department in the public hearing process.

A. The committee shall be composed of 10 members, 9 of whom shall be appointed by the Governor. The Commissioner of Human Services shall