

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

FIRST SPECIAL SESSION

July 11, 1991 to July 18, 1991

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 9, 1991

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1991

RESOLVES
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST SPECIAL SESSION

of the

ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

Sec. 7. Reimbursement. Resolved: That the members of the commission who are Legislators are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, for each day's attendance at commission hearings; and be it further

Sec. 8. Report. Resolved: That the commission shall submit its report, which must be approved by 2/3 of the commission members, together with any necessary implementing legislation, to the Second Regular Session of the 115th Legislature and to the Joint Standing Committee on Utilities no later than November 1, 1991.

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

Effective July 30, 1991.

CHAPTER 51

S.P. 538 - L.D. 1436

Resolve, Relating to Medicaid Rules Governing Services to Persons with Mental Retardation

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 stability of the work force in community-based programs providing services to persons with mental retardation is critical to effectiveness of those programs in enabling such persons to maintain themselves in the community; and

Whereas, funding has been appropriated to improve staff retention in intermediate care facilities serving persons with mental retardation; and

Whereas, the wage scales in other community-based programs providing services to persons with mental retardation are substantially lower than those in both intermediate care facilities and State Government for the same or equivalent jobs; and

Whereas, a serious staff retention problem exists in many community-based programs providing services to persons with mental retardation, including day programs, supported employment programs, foster homes, boarding homes and supported living programs; and

Whereas, there is a need for immediate action to assess the nature and scope of the problem and to develop a plan to address it; 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

Rules. Resolved: That the Department of Human Services shall submit a report recommending, prior to implementation, any proposed changes in Medicaid rules or principles of reimbursement governing services to persons with mental retardation, except those relating to section 2 of the Medical Assistance Manual relating to nursing facilities that are currently being processed, pending finalization of current interdepartmental negotiations relating to the transfer of responsibilities regarding services for persons with mental retardation to the Department of Mental Health and Mental Retardation by January 15, 1992. The report must also address the effect of freezing reimbursement rates at the fiscal year 1990-91 level as required by Public Law 1991, chapter 528, Part E, section 47 and the effect on wages and salaries for direct care and related staff of intermediate care facilities for the mentally retarded. The Department of Human Services shall report to the Joint Standing Committee on Human Resources and the Joint Standing Committee on Appropriations and Financial Affairs regarding the final agreements reached by January 15, 1992.

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

Effective July 30, 1991.