

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**SECOND REGULAR SESSION**

**January 5, 1994 to April 14, 1994**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 14, 1994**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1993**

to be levied, equal the total estimated expenditures.

**3. Public hearing.** The budget committee shall hold a public hearing in the county on the proposed budget before the end of the county's fiscal year and before the final adoption of the budget. Notice of the hearing must be given in all newspapers of general circulation within the county at least 10 days before the hearing. Written notice and a copy of the proposed budget must be sent by mail, or delivered in person, to the clerk of each municipality in the county. The municipal clerk shall notify the municipal officials of the proposed budget.

**4. Adoption of budget; tax levy.** After the public hearing is completed, the budget committee shall adopt a final budget and transmit that budget to the county commissioners.

A. The budget adopted by the budget committee may be changed only by a majority vote of the county commissioners and a majority vote of all elected members of the budget committee. Those actions are final and are not subject to further action by either the county commissioners or the budget committee.

B. The budget adopted and changed under this subsection is the final authorization for the assessment of county taxes and the county tax authorized is apportioned and collected in accordance with section 706.

#### **§834. Interim budget**

If the budget is not approved before the start of a fiscal year, until a budget is finally adopted, the county shall operate on an interim budget which may not exceed 80% of the previous year's budget.

#### **§835. Filing of final budget**

The budget committee shall file a copy of the final budget with the State Auditor on forms approved by the Department of Audit. The State Auditor shall retain the forms for 3 years.

#### **§836. Review**

The joint standing committee of the Legislature having jurisdiction over state and local government matters may review the operation of the budget committee before February 1, 1997 and, if it determines necessary, introduce legislation to amend or repeal this article. If the committee fails to act, this article continues in effect.

See title page for effective date.

## CHAPTER 624

H.P. 1354 - L.D. 1820

### An Act to Encourage Effective Use of State Resources

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

**Whereas,** changes in mental health contracting procedures will enhance efficiency and save scarce service delivery resources; and

**Whereas,** in order to enjoy enhanced efficiency immediately, contracting procedures currently in effect in the Department of Mental Health and Mental Retardation must be amended; 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 enacted by the People of the State of Maine as follows:**

**Sec. 1. 34-B MRSA §3604, sub-§3, ¶E,** as enacted by PL 1991, c. 452, §1, is amended to read:

E. Any new contract must be awarded through a request-for-proposal procedure and any contract of \$150,000 \$500,000 per year or more that is renewed must be awarded through a request-for-proposal procedure at least every ~~6~~ 8 years, except for the following.

(1) Renewal contracts for a provider are not subject to the request-for-proposal procedure requirement if all contracts executed with that provider under this subsection are performance-based contracts.

(2) Notwithstanding subparagraph (1), the department shall subject a contract to a request-for-proposal procedure when necessary to comply with paragraph G.

**Sec. 2. 34-B MRSA §3604, sub-§3, ¶G** is enacted to read:

G. A contract under this subsection that is subject to renewal must be awarded through a request-for-proposal procedure if the department determines that:

(1) The provider has breached the existing contract;

(2) The provider has failed to correct deficiencies cited by the department;

(3) The provider is inefficient or ineffective in the delivery of services and is unable or unwilling to improve its performance within a reasonable time; or

(4) The provider can not or will not respond to a reconfiguration of service delivery requested by the department.

**Sec. 3. 34-B MRSA §6203, sub-§1, ¶¶J and K,** as enacted by PL 1991, c. 452, §4, are amended to read:

J. Require that any new contract for mental health services be awarded through a request-for-proposal procedure and any contract for mental health services of ~~\$150,000~~ \$500,000 per year or more that is renewed be awarded through a request-for-proposal procedure at least every ~~6~~ 8 years; ~~and~~ , except for the following.

(1) Renewal contracts for a provider are not subject to the request-for-proposal procedure requirement if all contracts executed with that provider under this subsection are performance-based contracts.

(2) Notwithstanding subparagraph (1), the department shall subject a contract to a request-for-proposal procedure when necessary to comply with paragraph L;

K. Establish a procedure to obtain assistance and advice from consumers of mental health services regarding the selection of contractors when requests for proposals are issued for mental health services; and

**Sec. 4. 34-B MRSA §6203, sub-§1, ¶L** is enacted to read:

L. Require that a contract under this subsection that is subject to renewal be awarded through a request-for-proposal procedure if the department determines that:

(1) The provider has breached the existing contract;

(2) The provider has failed to correct deficiencies cited by the department;

(3) The provider is inefficient or ineffective in the delivery of services and is unable or unwilling to improve its performance within a reasonable time; or

(4) The provider can not or will not respond to a reconfiguration of service delivery requested by the department.

**Sec. 5. PL 1991, c. 452, §5** is repealed.

**Sec. 6. Phase-in period.** Notwithstanding the Maine Revised Statutes, Title 34-B, section 3604, subsection 3, paragraph E and section 6203, subsection 1, paragraph J, the Commissioner of Mental Health and Mental Retardation shall establish a schedule to ensure that, of the contracts subject to those provisions, 1/2 are subject to the request-for-proposal process in calendar year 1994, 1/4 in calendar year 1996 and 1/4 in calendar year 1998.

**Sec. 7. Effect on current requests for proposals.** Notwithstanding sections 1 to 6 of this Act, requests for proposals issued by the Department of Mental Health and Mental Retardation under Public Law 1991, chapter 452 that are in progress on the effective date of this Act are subject to the following provisions.

1. The Department of Mental Health and Mental Retardation shall complete the request-for-proposal process for those contracts that are for \$500,000 or more per year.

2. The Department of Mental Health and Mental Retardation shall cancel the request-for-proposal process for those contracts that are for less than \$500,000 per year.

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

Effective April 7, 1994.

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## CHAPTER 625

S.P. 663 - L.D. 1831

### An Act Regarding Maine's Comprehensive Early Intervention System for Infants and Children, from Birth to under Age Six

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

**Whereas,** this Act requires that early intervention services be available by July 1, 1994; 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 preserva-