

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST SPECIAL SESSION
November 28, 1995 to December 1, 1995

SECOND REGULAR SESSION
January 3, 1996 to April 4, 1996

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 4, 1996

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
1995

through the downsizing of the Augusta Mental Health Institute and the Pineland Center, in order to achieve provisions of the consent decree plans. ~~Positions and funding from the Augusta Mental Health Institute budget must be transferred as needed for reassignment to support and establish geographical Local Mental Health Authority Districts within the Division of Mental Health, Community Program and necessary services consistent with the AMHI Consent Decree Plan.~~ Positions and funding from the Pineland Center budget must be transferred as needed to ensure the adequate provision of community and crisis supports for Pineland Center residents. The transfer of positions and funding is authorized in order to comply with the consent decree plans consistent with the substantially detailed plan submitted to and reviewed by the Joint Standing Committee on Appropriations and Financial Affairs.

Sec. 9. Board abolished. The Southern Maine Regional Mental Health Board is abolished on June 30, 1996.

Sec. 10. First option. The Commissioner of Mental Health, Mental Retardation and Substance Abuse Services shall give first option to the members of the Southern Maine Regional Mental Health Board when appointing the initial members of the area councils, pursuant to the Maine Revised Statutes, Title 34-B, section 3607, subsection 2, for that region of the State.

Sec. 11. Report. The Commissioner of Mental Health, Mental Retardation and Substance Abuse Services shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1, 1997 and by January 1, 1998 on the operation of quality improvement councils as established in the Maine Revised Statutes, Title 34-B, section 3607 and local service networks as established in Title 34-B, section 3608 and shall include recommendations for improving the operations and any legislation necessary to accomplish those purposes.

Sec. 12. Reinvestment of funds. Notwithstanding any other provision of law, revenue received by the Department of Mental Health, Mental Retardation and Substance Abuse Services from Maximus-related initiatives must be dedicated for use by the department and used as follows by the department: 50% for children's services and 50% for services required by the consent decree in the matter of Paul Bates, et al., versus Melodie Peet, et al., Kennebec County docket number CV-89-88. Funds must be deposited in the appropriate Other Special Revenue account for achieving these purposes. Allotment of these funds may be made by financial order upon the recommendation of the State Budget Officer and with the approval of the Governor.

Sec. 13. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1996-97

MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES, DEPARTMENT OF Mental Health Services - Children

All Other \$500

Provides funds to establish a base allocation in the event Maximus-related revenues are received to provide additional services to children.

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

Effective April 11, 1996.

CHAPTER 692

S.P. 712 - L.D. 1812

An Act to Extend Health Care Coverage for Parents Leaving the Aid to Families with Dependent Children Program

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

Sec. 1. 22 MRSA §3741-G, as repealed and replaced by PL 1995, c. 418, Pt. A, §10, is amended to read:

§3741-G. Transitional medical assistance

The department shall administer a program to provide transitional eligibility for medical assistance to families whose average gross monthly earnings, minus such costs for child care as is necessary for employment, do not exceed 185% of the federal poverty guidelines in accordance with the Family Support Act and this section.

1. Earnings; hours worked; loss of disregards.

In order to receive transitional Medicaid as the result of increased earnings, number of hours worked or the loss of disregards, a family must have received AFDC for at least 3 of the last 6 months.

2. Work search.

The department shall apply for a waiver from the federal Department of Health and Human Services to provide transitional Medicaid

benefits for families whose eligibility for AFDC has terminated due to employment obtained through work search activities pursuant to this chapter, in which case the family must have received AFDC for at least one of the last 3 months.

3. Periodic reporting. The department shall require reporting of income or circumstances ~~in the 5th and 11th months of receipt of extended medical assistance for the purpose of determining eligibility and premium payments for benefits under this section in accordance with rules adopted by the department.~~ Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter II-A.

4. Premiums; copayments; deductibles. To continue to receive extended medical assistance following the first 6 months of coverage, a family entering the transitional medical assistance program prior to February 1, 1997, with income above 133% of the federal poverty guidelines must pay premiums for the 7th to 9th months at \$10 per month and for the 10th to 12th months at \$20 per month in accordance with rules adopted by the department. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter II-A. A family entering the transitional medical assistance program on or after February 1, 1997 whose family's average gross monthly earnings, less the average monthly costs for such child care as is necessary for employment, is above 100% of the federal poverty guidelines, shall pay, beginning in their 7th month of receiving transitional medical assistance, monthly premiums equal to 3% of their average gross monthly earnings, less the average monthly costs for such child care as is necessary for employment.

5. Scope of services. The scope of services provided under this section must be the same as the scope of services provided when a family received AFDC.

6. Extended benefits. The department shall extend the transitional medical assistance program to families who meet the requirements of the program and who enter the transitional medical assistance program on or after February 1, 1997 for 2 years beyond the families' initial one-year period of eligibility. In administering the extended benefits under this subsection, the department shall require the reporting of income or circumstances and the payment of premiums according to subsections 3 and 4.

Sec. 2. Department directed to seek waiver. By October 1, 1996, the Department of Human Services shall determine whether the purposes of the Maine Revised Statutes, Title 22, section 3741-G, subsection 6 may be accomplished without a waiver of the provisions of the United States Social

Security Act, 42 United States Code (1995). If the department determines that no waiver is required, the department shall amend the state plan to accomplish the purposes of this subsection.

If the department determines that a waiver under the United States Social Security Act, 42 United States Code, Section 1315(a) (1995) is necessary to achieve the purposes of Title 22, section 3741-G, subsection 6, by December 1, 1996, the department shall apply for the waiver or request an amendment to a pending or existing waiver.

See title page for effective date.

CHAPTER 693

H.P. 1159 - L.D. 1593

An Act to Implement the Productivity Plan of the Department of Agriculture, Food and Rural Resources Relating to the Animal Welfare Board, the Maine Dairy Promotion Board and the Maine Dairy and Nutrition Council

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

Whereas, the Maine Dairy Promotion Board and the Maine Dairy and Nutrition Council play an important public role in educating the public and contributing to the health of Maine's dairy industry; and

Whereas, the Maine Dairy Promotion Board and the Maine Dairy and Nutrition Council will operate more efficiently and provide enhanced services as public instrumentalities; 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. 5 MRSA §12004-H, sub-§§3 and 4, as amended by PL 1991, c. 376, §26, are repealed.

Sec. 2. 5 MRSA §12004-I, sub-§2-B, as enacted by PL 1991, c. 779, §2, is repealed.

Sec. 3. 7 MRSA §1, as amended by PL 1995, c. 502, Pt. C, §3, is further amended to read: