

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2016 to April 29, 2016

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 29, 2016

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

Augusta, Maine
2016

safety regulations, by participating in an annual 3rd-party food safety audit performed by a nationally certified auditor and having experience in the distribution of food to low-income populations. The authority shall administer the funds allocated for the purposes stated in this section until they are finally disbursed and may retain a portion of those funds for the reasonable costs of administering this section; and be it further

Sec. 2. Report. Resolved: That the Finance Authority of Maine, as a condition of the award of the contract pursuant to section 1, shall require the entity selected to submit a report by December 1st of 2016, 2017 and 2018 to the joint standing committees of the Legislature having jurisdiction over agriculture, conservation and forestry matters and over health and human services matters. Each report must contain information regarding the entity's progress on meeting the purposes of section 1, including how funds were expended, types and amount of fruits, vegetables and seafood purchased and how access and availability were increased, and the efforts needed, if any, to achieve the purpose of providing food harvested in the State to residents with food insecurity; and be it further

Sec. 3. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

FINANCE AUTHORITY OF MAINE

Maine Harvested Food Products for Residents with Food Insecurity N222

Initiative: Allocates funds on a one-time basis to provide fresh and fresh frozen fruits and vegetables and seafood harvested in the State to residents of the State with food insecurity.

FUND FOR A HEALTHY MAINE	2015-16	2016-17
All Other	\$0	\$3,000,000
FUND FOR A HEALTHY MAINE TOTAL	\$0	\$3,000,000

See title page for effective date.

**CHAPTER 82
H.P. 1163 - L.D. 1698**

Resolve, Related To Legislative Review of a Change to the MaineCare Benefits Manual, Chapters II and III, Section 17

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

Whereas, this resolve extends the eligibility period for certain individuals who were eligible for community support services under Chapter 101, MaineCare Benefits Manual, Chapter II, Section 17 before the rule was updated on March 22, 2016; and

Whereas, it is possible that certain individuals may become ineligible to receive these services before the 90-day period expires; 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

Sec. 1. Transitional period. Resolved: That the Department of Health and Human Services, referred to in this resolve as "the department," shall extend eligibility for community support services to each individual who received those services under Chapter 101, MaineCare Benefits Manual, Chapter II, Section 17, referred to in this resolve as "Section 17," before Section 17 was updated on March 22, 2016 and who have been found to no longer meet the eligibility requirements under the updated Section 17 until the individual is able to access appropriate services under another section of the MaineCare Benefits Manual; except that an extension of eligibility may not exceed a period of 120 days after that individual's current authorization period has expired; and be it further

Sec. 2. Continuation of bridging rental assistance program for certain individuals. Resolved: That any individual receiving housing subsidy vouchers under the bridging rental assistance program, referred to in this resolve as "BRAP," due to that individual's Section 17 eligibility immediately before Section 17 was updated on March 22, 2016 continues to remain eligible for BRAP housing subsidy vouchers, unless the individual becomes ineligible for BRAP housing subsidy vouchers for a reason unrelated to Section 17 eligibility; and be it further

Sec. 3. Additional transitional period possible. Resolved: That, until June 30, 2017, the Office of MaineCare Services within the department shall authorize 90-day extensions of community support

services under Section 17 for an individual that received Section 17 services before Section 17 was updated on March 22, 2016 if that individual is able to reasonably demonstrate to the department that the individual has been unable to access appropriate services under any other section of the MaineCare Benefits Manual; and be it further

Sec. 4. Emergency rulemaking authorized. Resolved: That the department shall adopt emergency rules pursuant to the Maine Revised Statutes, Title 5, section 8054 as necessary for implementation of this resolve.

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

Effective April 26, 2016.

CHAPTER 83

H.P. 605 - L.D. 886

Resolve, Directing the Department of Health and Human Services To Increase Reimbursement Rates for Home-based and Community-based Services

Sec. 1. Reimbursement for personal care and related services. Resolved: That the Department of Health and Human Services shall amend its rules for reimbursement rates for personal care and related services provided under Chapter 101: MaineCare Benefits Manual, Sections 12, 19 and 96 and Chapter 5, Office of Elder Services Policy Manual, Section 63 to reflect 50% of the increase in rates noted in the final rates modeled in the February 1, 2016 report "Rate Review for Personal Care and Related Services: Final Rate Models" prepared for the department by Burns & Associates, Inc. Rules adopted pursuant to this section are routine technical rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A; and be it further

Sec. 2. Unstaffed hours and waiting lists. Resolved: That the Department of Health and Human Services shall estimate the number of hours, and the cost of those hours, of unmet need under Chapter 101: MaineCare Benefits Manual, Sections 12, 19, 40 and 96 and Chapter 5, Office of Elder Services Policy Manual, Section 63. The estimate must include individuals eligible for services but on a waiting list and individuals who are entitled to services that are eligible for reimbursement but are unable to locate individuals or agencies to provide those services; and be it further

Sec. 3. Rate study. Resolved: That the Department of Health and Human Services shall conduct a rate study of the services in rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 40, Home Health Services. The rate study must be conducted by a 3rd party, account for provider costs related to the services in Section 40 and include stakeholders for all services included in Section 40; and be it further

Sec. 4. Report. Resolved: That the Department of Health and Human Services shall provide a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters with findings and recommendations for changes to the rates identified in section 4 no later than January 1, 2017; and be it further

Sec. 5. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Medical Care - Payments to Providers 0147

Initiative: Provides funds for a rate increase for personal care and related services.

GENERAL FUND	2015-16	2016-17
All Other	\$0	\$2,773,600
GENERAL FUND TOTAL	\$0	\$2,773,600

FEDERAL EXPENDITURES FUND	2015-16	2016-17
All Other	\$0	\$4,920,692
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$4,920,692

Office of Aging and Disability Services Central Office 0140

Initiative: Provides funds for a rate increase for personal care and related services.

GENERAL FUND	2015-16	2016-17
All Other	\$0	\$1,226,400
GENERAL FUND TOTAL	\$0	\$1,226,400

Temporary Assistance for Needy Families 0138

Initiative: Provides for a one-time reduction of funding for projected savings in the Temporary Assistance for Needy Families program.