

130th MAINE LEGISLATURE

SECOND REGULAR SESSION-2022

Legislative Document

No. 2027

H.P. 1509

House of Representatives, March 22, 2022

Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97: Private Non-Medical Institution Services, a Late-filed Major Substantive Rule of the Department of Health and Human Services

(EMERGENCY)

Reported by Representative MEYER of Eliot for the Department of Health and Human Services pursuant to the Maine Revised Statutes, Title 5, section 8072 and approved for introduction by a majority of the Legislative Council.

Received by the Clerk of the House on March 18, 2022. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed.

R(+ B. Hunt

ROBERT B. HUNT Clerk

- 1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not 2 become effective until 90 days after adjournment unless enacted as emergencies; and
- 3 **Whereas,** the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires 4 legislative authorization before major substantive agency rules may be finally adopted by 5 the agency; and
- 6 **Whereas,** a major substantive rule has been submitted to the Legislature outside the 7 legislative rule acceptance period; and
- 8 **Whereas**, immediate enactment of this resolve is necessary to record the Legislature's 9 position on final adoption of the rule; and

10 **Whereas,** in the judgment of the Legislature, these facts create an emergency within 11 the meaning of the Constitution of Maine and require the following legislation as 12 immediately necessary for the preservation of the public peace, health and safety; now, 13 therefore, be it

14 Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 101: 15 MaineCare Benefits Manual, Chapter III, Section 97: Private Non-Medical Institution 16 Services, a provisionally adopted major substantive rule of the Department of Health and 17 Human Services that has been submitted to the Legislature for review pursuant to the Maine 18 Revised Statutes, Title 5, chapter 375, subchapter 2-A outside the legislative rule 19 acceptance period, is authorized.

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

SUMMARY

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This resolve provides for legislative review of portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97: Private Non-Medical Institution Services, a major substantive rule of the Department of Health and Human Services that was filed outside the legislative rule acceptance period.