

## 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

**Legislative Document** 

No. 1510

H.P. 1102

House of Representatives, April 4, 2019

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

(EMERGENCY)

Reported by Representative HYMANSON of York 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.

Reference to the Committee on Health and Human Services suggested and ordered printed pursuant to Joint Rule 218.

ROBERT B. HUNT

R(+ B. Hunt

Clerk

| 1 2                        | <b>Emergency preamble. Whereas,</b> acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and                                                                                                                                                                                                                                                                                                                                            |
|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3<br>4<br>5                | <b>Whereas,</b> the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and                                                                                                                                                                                                                                                                                                            |
| 6<br>7                     | <b>Whereas,</b> a major substantive rule has been submitted to the Legislature outside the legislative rule acceptance period; and                                                                                                                                                                                                                                                                                                                                                                             |
| 8<br>9                     | <b>Whereas,</b> immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and                                                                                                                                                                                                                                                                                                                                                                       |
| 10<br>11<br>12<br>13       | 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                                                                                                                                                                                                                                  |
| 14<br>15<br>16<br>17<br>18 | <b>Sec. 1. Adoption. Resolved:</b> That final adoption of portions of Chapter 101 MaineCare Benefits Manual, Chapter III, Section 97: Private Non-Medical Institution Services and Appendices B, C, D, E and F, a provisionally adopted major substantive rule of the Department of Health and Human Services that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375 subchapter 2-A outside the legislative rule acceptance period, is authorized. |
| 20<br>21                   | <b>Emergency clause.</b> In view of the emergency cited in the preamble, this legislation takes effect when approved.                                                                                                                                                                                                                                                                                                                                                                                          |
| 22                         | SUMMARY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 23<br>24<br>25<br>26       | This resolve provides for legislative review of portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97: Private Non-Medical Institution Services and Appendices B, C, D, E and F, a major substantive rule of the Department of Health and Human Services that was filed outside the legislative rule acceptance period.                                                                                                                                                                  |