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Public Law
123rd Legislature
First Regular Session

Chapter 237
S.P. 370 - L.D. 1118

**An Act To Provide Certain Requirements for Rules
Related to Rate Setting for Mental Retardation Services**

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

Whereas, the change to standardized rates for providers of care to persons with mental retardation under the waiver will have a significant impact on the system; and

Whereas, rulemaking for provider rate setting is an important process and the Legislature should be involved in this process; and

Whereas, rulemaking for provider rate setting is currently in progress and could be complete before this legislation goes into effect; 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 §5432, sub-§3, as amended by PL 1993, c. 410, Pt. CCC, §35, is further amended to read:

3. Rules. Adopt rules, according to the Maine Administrative Procedure Act, Title 5, chapter 375, relating to the administration of the services authorized by this article and adopt major substantive rules, according to Title 5, chapter 375, subchapter 2-A, relating to rate setting pursuant to Public Law 2005, chapter 12, Part BBBB and Public Law 2005, chapter 519, Part CCC.

Sec. 2. Rules. The Department of Health and Human Services is authorized to adopt major substantive rules on an emergency basis during calendar year 2007 with regard to rate setting for providers of services to persons with mental retardation.

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