

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND EIGHTEEN

H.P. 1246 - L.D. 1801

**Resolve, Regarding Legislative Review of Portions of Chapter 101:
MaineCare Benefits Manual, Chapter III, Section 21, Allowances for Home
and Community Benefits for Adults with Intellectual Disabilities or Autism
Spectrum Disorder, a Major Substantive Rule of the Department of Health
and Human 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 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

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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. Adoption. Resolved: That final adoption of portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21, Allowances for Home and Community Benefits for Adults with Intellectual Disabilities or Autism Spectrum Disorder, 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, is authorized only if in Section 2000 of the rule, relating to audit of services provided, the documentation requirement for staffing schedules per member is removed and replaced with a requirement that the documentation show the hours and the name of the direct care staff scheduled to work at the facility.

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