

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND TWELVE

—
H.P. 1419 - L.D. 1915

**Resolve, Regarding Legislative Review of Portions of Chapter 101,
MaineCare Benefits Manual, Chapter III, Section 50, Principles of
Reimbursement for Intermediate Care Facilities for the Mentally Retarded
(ICF-MR) Services, 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 50, Principles of Reimbursement for Intermediate Care Facilities for the Mentally Retarded (ICF-MR) Services, 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 if the rule is amended to bring the distribution of new funding from the increase in tax from 5.5% to 6% into conformance with the funding requirements of Title 36, section 2873, subsection 4, paragraph B and to bring the language of the rule into conformance with Public Law 2011, chapter 542.

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

In House of Representatives, 2012

Read and passed finally.

..... Speaker

In Senate, 2012

Read and passed finally.

..... President

Approved 2012

..... Governor