

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND AND ELEVEN

—  
S.P. 219 - L.D. 790

**Resolve, To Foster Energy Efficiency Improvements and Other Needed Renovations at Residential Care Facilities Funded by MaineCare**

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

**Whereas,** energy efficiency improvements and other capital expenditures at residential care facilities funded by MaineCare require approval; and

**Whereas,** in order for residential care facilities to receive reimbursement for energy efficiency improvements and other capital expenditures, this resolve must take effect immediately; 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. Department rules governing reimbursement for energy efficiency improvements and other capital expenditures at MaineCare-funded residential care facilities. Resolved:** That the Department of Health and Human Services shall amend its rules governing principles of reimbursement for residential care facilities funded by MaineCare to permit those facilities, without a requirement of prior approval, to receive fixed or capital cost reimbursement for new construction, acquisitions, equipment, renovations or other improvements when the aggregate capital expenditure does not exceed \$350,000 in one fiscal year. Capital expenditures for energy efficiency improvements, for replacement equipment, for information systems, for communications systems and for parking lots and garages must be excluded from the cost of the project in determining whether it is subject to review and prior approval. When capital costs subject to review exceed \$350,000 in one fiscal year, residential care facilities must submit plans, financial proposals and projected operating costs to the department for approval in order for costs to be reimbursed. The rules must require that, for an energy efficiency improvement to be reimbursable, the energy efficiency improvement is recommended as a cost-effective energy efficiency improvement in an energy audit or is determined to be cost-effective by the Efficiency Maine Trust

established in the Maine Revised Statutes, Title 35-A, section 10103. The Department of Health and Human Services shall consult with the Efficiency Maine Trust in the amendment of the rules. The rules requiring modification are Chapter 115: Principles of Reimbursement for Residential Care Facilities - Room and Board Costs in Section 20.21(e) relating to energy efficiency improvements and Section 20.5 relating to new construction, acquisitions and renovations. The changes to the rules must be adopted on an emergency basis to be effective immediately upon adoption.

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

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In House of Representatives, ..... 2011

Read and passed finally.

..... Speaker

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In Senate, ..... 2011

Read and passed finally.

..... President

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Approved ..... 2011

..... Governor