

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
108TH LEGISLATURE
FIRST REGULAR SESSION

(Filing No. H-136)

HOUSE AMENDMENT "A " to H.P. 124, L.D. 157, Bill, "AN
ACT to Amend the Laws Relating to Payments for Care of Children."

Amend the Bill by inserting before the enacting clause
the following:

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

Whereas, some children in the custody of the State and
requiring placement in private facilities cannot be placed in
facilities eligible for reimbursement under existing statutes; and

Whereas, in the absence of the benefits of other placement
opportunities these children may become adjudicated and placed
in a correctional setting; and

Whereas, a modification of existing law can expand placement
opportunities which are more appropriate for these children; 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, '

Further amend the Bill in paragraph C by adding at the
end the following underlined sentence: 'Notwithstanding the
other provisions of this paragraph, when placements in so-called
private schools have been exhausted or are otherwise unavailable
for any child, the commissioner is authorized to negotiate with
other appropriate facilities, including private schools, for
placement of the child on the basis of a flat-rate method of
payment.

Further amend the Bill by inserting at the end before the Statement of Fact the following:

'Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Title 22, section 3802, subsection 1, paragraph C, the last sentence, shall be effective until March 1, 1978.'

Statement of Fact

The purpose of this amendment is to enable the Department of Human Services to negotiate with appropriate facilities on a flat-rate basis for the placement of children for whom other facilities are not available. Presently, children with severe problems whose needs cannot be met in so-called private schools under the existing reimbursement system cannot be placed in other facilities. This amendment would permit such a placement.

Filed by Mrs. Trafton of Auburn.

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