

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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Legislative Document

No. 1625

H. P. 1347

House of Representatives, April 13, 1977

On motion of Mr. Lynch of Livermore Falls, referred to Committee on Education. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Kane of Augusta.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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**AN ACT to Clarify Reimbursement to Local School Systems.**

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

Whereas, the change in the definition of subsidizable items for special education as enacted in 1975, is causing confusion and hardship; and

Whereas, a simple definition would make the program more understandable for the people; and

Whereas, the change did not accomplish any particular benefit to local units or the State; 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**Sec. 1.** 20 MRSA § 3743, sub-§ 8, as enacted by PL 1975, c. 660, § 2, is repealed and the following enacted in its place:

**8. Special education.** After July 1, 1977, "special education" for subsidy purposes, shall include all costs, including supportive services, incurred by the special education program, including the costs of tuition and board to other schools for programs which have been approved by the commissioner.

**Sec. 2.** 20 MRSA § 3748, sub-§ 1, ¶ C, sub-¶ (1), 2nd ¶, as repealed and replaced by PL 1975, c. 746, § 24-H, is repealed and the following enacted in its place:

Reimbursement for special education programs, including supportive services, operated or contracted for by the administrative unit shall be 100% of the previous year actual expenditures. Special education tuition and board shall be reimbursed 100% in the year of allocation. In no event shall a unit be responsible for contracted special education tuition and board in an amount greater than \$500 per pupil for any pupil for whom the unit has contracted. Any amount exceeding \$500 per pupil for any pupil shall be entirely reimbursed.

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

#### STATEMENT OF FACT

The purpose of this bill is to reimburse communities for all costs incurred in providing special education programs, including 100% of costs for special education tuition and board.