

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-470)
110TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 268, L.D. 302, Bill,
"AN ACT to Amend Special Education Statutes to Provide
for the Computation of Board and Care and to Authorize Rate
Approval by the Commissioner."

Amend the Bill by striking out the first line after the
enacting clause and inserting in its place the following:

'20 MRSA §3130, sub-§§4, 5 and 6 are enacted to read:'

Further

amend the Bill at the end before the statement of fact
by inserting the following:

'A. The provisions of this section do not apply to and
the commissioner has no regulatory authority over board
or care rates charged by private schools, agencies or
institutions which serve exceptional children and operate
special educational facilities as provided in / where the
board or care is not paid, reimbursed or otherwise funded
by this State.

B. General business corporations formed under Title 13-A,
or any predecessor title, operating residential treatment
centers, special education facilities, private schools,
agencies or institutions which serve exceptional children
shall not be subject to regulation as to rates for tuition,
board or care for such services by this State.

C. Notwithstanding the exemption as to the regulation
of rates in paragraph B, all such general business corp-
orations shall provide to the commissioner, on the dates

specified by him, the charges for all exceptional children whose expenses are paid in part or in whole by public funds. In listing the charges, the corporations shall identify the component charges for tuition, board and care and treatment as those components are defined in applicable laws and rules, and as are otherwise required by the department and shall certify that the charges are accurate. No provision in this subsection may be construed to exempt general business corporations from the school and program approval required of the commissioner set forth in this title, or from licensing or other requirements set forth in Title 22 and other applicable laws, rules and regulations. Similarly, nothing in this section may be construed to require the commissioner to approve individual placements by school administrative units in such facilities.

Approval of rates.

5. The tuition and board and care rates for residential treatment centers shall be approved by October 1st of each year or as soon thereafter as possible on the basis of allowable costs for the preceding year, adjusted by a reasonable amount to reflect anticipated increases in allowable costs during the year to which the rate is applicable.

and this subsection
6. Termination. Subsections 4 and 5, / are repealed on September 1, 1983, and any rules issued under this section are ineffective on that date.

Statement of Fact

This amendment exempts tuition from out-of-state students and general business corporations. It requires that general business corporations supply the departments with financial statements and meet approval standards. Finally, it repeals the provisions of the bill on September 1, 1983.

Reported by the Committee on Education
Reproduced and distributed under the direction of the Clerk of
the House.

5/22/81

(Filing No. H-470)