

# MAINE STATE LEGISLATURE

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(EMERGENCY)

FIRST REGULAR SESSION

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ONE HUNDRED AND ELEVENTH LEGISLATURE

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Legislative Document

No. 1106

H.P. 856

House of Representatives, March 8, 1983

Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24.

On Motion of Representative Locke of Sebec referred to the Committee on Education. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Crouse of Washburn.

Cosponsors: Representative Manning of Portland, Representative Richard of Madison and Senator Hayes of Penobscot.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-THREE

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**AN ACT to Amend Special Education Statutes  
Pertaining to the Filing of Allowable  
Expenditures by Special Purpose  
Schools, Agencies or Institutions.**

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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, school administrative units have a fiscal year which coincides with the state's fiscal year; and

Whereas, it is essential that the rate establishment process by the Department of Educational and Cultural Services not be delayed so that contractual arrangements can be negotiated prior to the beginning of the school year; and

1           Whereas, in the judgment of the Legislature,  
2 these facts create an emergency within the meaning of  
3 the Constitution of Maine and require the following  
4 legislation as immediately necessary for the preser-  
5 vation of the public peace, health and safety; now,  
6 therefore,

7 Be it enacted by the People of the State of Maine as  
8 follows:

9           Sec. 1. 20 MRSA §3130, sub-§2, ¶A, as enacted by  
10 PL 1977, c. 358, §4, is amended to read:

11           A. The tuition rates charged by private schools,  
12 agencies or institutions which serve exceptional  
13 children exclusively shall not exceed the actual  
14 per pupil cost incurred in the operation during  
15 the preceding school year. Allowable expendi-  
16 tures used to determine the per pupil cost shall  
17 be defined in guidelines and regulations estab-  
18 lished by the commissioner. Financial reports  
19 detailing the allowable expenditures and the com-  
20 putation of the tuition rate shall be filed by  
21 July 15th of each year, at such time and in such  
22 form as the commissioner may require, by each  
23 such special purpose school, agency or institu-  
24 tion.

25           Increases in the tuition rate charged by ~~such~~  
26 those private schools, agencies or institutions  
27 from one year to the next may not exceed 15%  
28 unless evidence is presented to the commissioner  
29 that a hardship will exist if a higher rate of  
30 increase is not approved, and ~~such that~~ evidence  
31 is deemed sufficient by the commissioner.

32           Sec. 2. 20-A MRSA §7302, sub-§2, ¶D, as enacted  
33 by PL 1981, c. 693, §§5 and 8, is amended to read:

34           D. An agency shall file an annual financial  
35 report detailing the allowable expenditures and  
36 the computation of the tuition rate by July 15th  
37 at such time and in the form the commissioner may  
38 require.

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

1 approved.

2

STATEMENT OF FACT

3 The Departments of Educational and Cultural Ser-  
4 vices, Human Services and Mental Health and Mental  
5 Retardation have developed joint rate establishment  
6 procedures and contractual arrangements for special  
7 purpose schools, agencies and institutions where  
8 there is combined responsibility. This process re-  
9 quires the submission of financial reports after July  
10 15th. The interdepartmental process and the statu-  
11 tory date require duplicative reporting procedures  
12 for some agencies. Other agencies experience hard-  
13 ship in complying with the reporting deadline and  
14 request extensions.

15 The removal of the date will allow the commis-  
16 sioner to determine time lines for the submission of  
17 financial reports consistent with interdepartmental  
18 procedures and reduce reporting requirements.

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