

MAINE STATE LEGISLATURE

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L.D. 1985

(Filing No. S-497)

STATE OF MAINE
SENATE
115TH LEGISLATURE
SECOND SPECIAL SESSION

SENATE AMENDMENT "^R" to H.P. 1402, L.D. 1985, Bill, "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993 and to Change Certain Provisions of Law"

Amend the bill by inserting at the end before the emergency clause the following:

PART OO

Sec. OO-1. 20-A MRSA §7204, sub-§§5 and 6, as enacted by PL 1981, c. 693, §§5 and 8, are amended to read:

5. Due process. Shall:

A. Adopt or amend rules to assure ensure and protect the rights of due process for exceptional students; and

B. Inform and train each school administrative unit on exceptional students' rights to due process under state laws and rules and federal law and regulations; and

6. Technical assistance. May, on the request of a school administrative unit, provide technical assistance in the formulation of a plan or subsequent report required of all administrative units. Assistance shall may not be designed to transfer the responsibility for or actual development of the plan or report; and

Sec. OO-2. 20-A MRSA §7204, sub-§7 is enacted to read:

7. Advocacy services. Shall collect an assessment of \$85 from each local educational agency for every public school located in the unit, and from each private school and child development

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2 services site located in the State. A school, public or private,
3 may not be assessed more than once in any school year. These
4 assessments must be collected at the beginning of each school
5 year, as defined in section 4101, subsection 3, and remitted to
6 the protection and advocacy agency for persons with developmental
7 or learning disabilities or mental illness, Title 5, chapter
8 511. The commissioner and the protection and advocacy agency,
9 within 6 months of the effective date of this subsection, shall
10 enter into a written cooperative agreement determining the
11 implementation of this subsection.

12 **Sec. OO-3. 22 MRSA §9, sub-§3 is enacted to read:**

13 3. Advocacy services. The commissioner shall collect an
14 annual assessment of \$85 from each state and nonstate mental
15 health institution as defined in Title 34-B, section 3801, from
16 each nursing home, group home, boarding care facility or foster
17 home that serves persons with developmental or learning
18 disabilities or mental illness and from any other agency that it
19 licenses or funds or with which it contracts for the provision of
20 services to persons with developmental or learning disabilities
21 or mental illness. The assessments must be collected annually at
22 the time of initial licensure or licensure renewal, at the time
23 of execution of contracts or funding agreements or at such other
24 time that the commissioner determines appropriate. The
25 commissioner shall remit the assessments to the protection and
26 advocacy agency for persons with developmental or learning
27 disabilities or mental illness, Title 5, chapter 511. The
28 commissioner and the protection and advocacy agency, within 6
29 months of the effective date of this subsection, shall enter into
30 a written cooperative agreement determining the implementation of
31 this subsection. The commissioner shall confer with the
32 Commissioner of Mental Health and Mental Retardation to ensure
33 that the assessments collected by operation of this subsection
34 are not duplicative of those collected by operation of Title
35 34-B, section 1204, subsection 9.

36 **Sec. OO-4. 34-B MRSA §1204, sub-§9 is enacted to read:**

37 9. Advocacy services. The commissioner shall collect an
38 annual assessment from each residential, program or service
39 agency which it licenses or funds or with which it contracts.
40 The assessment is \$85 for each facility or program component that
41 is operated by the agency and that serves persons with mental
42 illness or mental retardation. These assessments must be
43 collected annually at the time of initial licensure or licensure
44 renewal, at the time of execution of contracts or funding
45 agreements or at such other time that the commissioner determines
46 appropriate. The commissioner shall remit the assessments to the
47 protection and advocacy agency for persons with developmental or
48 learning disabilities or mental illness.

learning disabilities or mental illness, Title 5, chapter 511. The commissioner and the protection and advocacy agency, within 6 months of the effective date of this subsection, shall enter into a written cooperative agreement determining the implementation of this subsection. The commissioner shall confer with the Commissioner of Human Services to ensure that the assessments collected by operation of this subsection are not duplicative of those collected by operation of Title 22, section 9, subsection 3.

Further amend the bill by relettering the Parts to read consecutively.

FISCAL NOTE

This amendment requires that each local educational agency, mental health institution and several other types of community social service agencies be assessed an annual fee of \$85 to fund advocacy services. This will result in an unknown cost to public schools, which, under state mandate laws, will require General Fund appropriations to the Department of Education. This amendment will also result in additional costs to the Department of Mental Health and Mental Retardation and the Department of Human Services, which could result in requests for General Fund appropriations or decreases in service delivery. This amendment will decrease General Fund savings realized in the bill by an amount that cannot be determined at this time.

STATEMENT OF FACT

This amendment replaces state funding for Maine advocacy services by instituting a fee on service providers.

(Senator McCORMICK)
SPONSORED BY: Dale W. C.

COUNTY: Kennebec

Reproduced and Distributed Pursuant to Senate Rule 12.
(12/19/91) (Filing No. S-497)