

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1495

S.P. 487

In Senate, March 12, 1997

An Act to Repeal the Special Education Laws.

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator FERGUSON of Oxford.
Cosponsored by Representative WINGLASS of Auburn and
Senator NUTTING of Androscoggin, Representatives: GAGNE of Buckfield, GOOLEY of
Farmington.

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

2
4 **Sec. 1. 5 MRSA §19507, sub-§3, ¶E**, as enacted by PL 1989, c. 837, §1, is amended to read:

6 E. The surrogate parent of a developmentally disabled or
8 learning disabled minor authorizes the agency to represent
10 the person in, or to disclose information regarding, special
12 education matters governed by ~~Title--20-A,--chapter--303,~~
14 ~~subchapter--I,--of~~ 20 United States Code, Sections 1401 to
16 1485.

18 **Sec. 2. 20-A MRSA §3001**, as enacted by PL 1981, c. 693, §§5
20 and 8, is amended to read:

22 **§3001. Schools for exceptional students**

24 Private schools ~~which~~ that operate programs for exceptional
26 students shall conform to the applicable provisions of this
28 chapter and ~~chapters~~ chapter 301 and ~~303~~.

30 **Sec. 3. 20-A MRSA §3254-A, sub-§1**, as enacted by PL 1985, c.
32 490, §7, is amended to read:

34 **1. Special education programs.** The commissioner shall
36 provide special education and related services to all exceptional
38 students of the unorganized territory ~~in--accordance--with--the~~
40 ~~provisions--of--chapter--303,--except--that--the--commissioner--shall~~
42 ~~carry--out--the--duties--of--school--administrative--units--and~~
44 ~~superintendents--as--described--in--that--chapter.~~

46 **Sec. 4. 20-A MRSA §4702**, as enacted by PL 1983, c. 859, Pt.
48 C, §§5 and 7, is amended to read:

50 **§4702. Special education**

52 Elementary and secondary schools shall provide special
54 education and related services in accordance with ~~chapters~~
56 chapter 301 and ~~303~~ federal special education requirements.

58 **Sec. 5. 20-A MRSA §7003**, as enacted by PL 1981, c. 693, §§5
60 and 8, is amended to read:

62 **§7003. Rules**

64 The commissioner is authorized to make rules necessary for
66 the administration of ~~this--chapter--and--chapters--303--and--305~~
68 special education services.

70 **Sec. 6. 20-A MRSA c. 303**, as amended, is repealed.

72 **Sec. 7. 20-A MRSA c. 305**, as amended, is repealed.

2 **Sec. 8. 20-A MRSA c. 307-A**, as amended, is repealed.

4 **Sec. 9. 20-A MRSA c. 308**, as amended, is repealed.

6 **Sec. 10. 26 MRSA §1411-D, sub-§§7 and 8**, as enacted by PL 1995,
c. 560, Pt. F, §13, are amended to read:

8
7. **Joint undertakings.** May enter into joint undertakings
10 with public and private agencies to further the effectiveness of
services for disadvantaged individuals; and

12
8. **Eligibility and priority.** Shall determine the
14 eligibility of individuals for rehabilitation services or
evaluation and vocational services and the priority for those
16 services in accordance with rules established by the department.

18 **Sec. 11. 26 MRSA §1411-D, sub-§9**, as enacted by PL 1995, c.
560, Pt. F, §13, is repealed.

20 **Sec. 12. 34-B MRSA §3004, sub-§3, ¶B**, as amended by PL 1985,
22 c. 768, §4, is further amended to read:

24 B. Assess service needs, monitor service delivery related
to these needs and evaluate the outcome of programs designed
26 to meet these needs in order to enhance the quality and
effectiveness of community support services; and

28 **Sec. 13. 34-B MRSA §3004, sub-§3, ¶C**, as amended by PL 1995,
30 c. 560, Pt. K, §33, is further amended to read:

32 C. Prepare a report that describes the system of community
support services in each of the mental health service
34 regions and statewide.

36 (1) The report must include both existing service
resources and deficiencies in the system of services.

38 (2) The report must include an assessment of the roles
and responsibilities of mental health agencies, human
40 services agencies, health agencies and involved state
departments and must suggest ways in which these
42 agencies and departments can better cooperate to
improve the service system for people with chronic
44 mental illness.

46 (3) The report must be prepared biennially and must be
48 submitted to the joint standing committee of the
Legislature having jurisdiction over human resources by
50 December 15th of every even-numbered year.

2 (4) The committee shall review the report and make
3 recommendations with respect to administrative and
4 funding improvements in the system of community support
services to persons with chronic mental illness,--and .

6 **Sec. 14. 34-B MRSA §3004, sub-§3, ¶D,** as enacted by PL 1985,
7 c. 768, §5, is repealed.

8 **Sec. 15. 34-B MRSA §5003, sub-§2, ¶G,** as amended by PL 1995,
10 c. 560, Pt. K, §43, is further amended to read:

12 G. Encourage other departments to provide to persons with
13 mental retardation those services that are required by law,
14 and in particular:

16 (1) The commissioner shall work actively to ensure
17 that persons with mental retardation,--~~as provided for~~
18 ~~in Title 20-A, chapter 303,~~ receive educational and
19 training services beginning at 5 years of age
20 regardless of the degree of retardation or accompanying
21 disabilities or handicaps;

22 (2) The commissioner shall advise the Department of
23 Human Services about standards and policies pertaining
24 to administration, staff, quality of care, quality of
25 treatment, health and safety of clients, rights of
26 clients, community relations and licensing procedures
27 and other areas that affect persons with mental
28 retardation residing in facilities licensed by the
29 Department of Human Services; and

32 (3) The commissioner shall inform the joint standing
33 committee of the Legislature having jurisdiction over
34 human resources matters about areas where increased
35 cooperation by other departments is necessary in order
36 to improve the delivery of services to persons with
37 mental retardation; and

38 **Sec. 16. 34-B MRSA §5433, sub-§§3 and 4,** as amended by PL 1985,
40 c. 768, §6, are further amended to read:

42 **3. Cooperation.** Cooperate with other state agencies,
43 municipalities, other governmental units, unincorporated
44 associations and nonstock corporations in order to provide and
45 help finance services and programs for mentally retarded persons;
46 and

48 **4. Available funds.** Receive and use for the purpose of
49 this article money appropriated by the State, grants by the
50 Federal Government, gifts from individuals and money from any
51 other sources,--and .

2 **Sec. 17. 34-B MRSA §5433, sub-§5,** as enacted by PL 1985, c.
768, §7, is repealed.

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SUMMARY

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8 This bill repeals the State's laws pertaining to special
education. This bill does not affect special education
requirements imposed by federal law.

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