

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

Legislative Document

No. 2425

H.P. 1719

House of Representatives, January 10, 2000

An Act to Amend a Formula to Allocate Child Development Funds.

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative SULLIVAN of Biddeford.

Cosponsored by Representatives: KANE of Saco, LEMOINE of Old Orchard Beach, McALEVEY of Waterboro, O'NEIL of Saco, TWOMEY of Biddeford, Senator: LaFOUNTAIN of York.

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

4 **Whereas,** under Chapter 182: Formula for Distribution of
6 Funds to Child Development Services Regional Sites, the rules
8 adopted by the Department of Education establishing a funding
formula for Child Development Services System regional sites, a
10 site could receive 5% less funding than in the previous fiscal
year; and

12 **Whereas,** Chapter 182 took effect provisionally on June 30,
14 1999 and affects allocations made for fiscal year 1999-00; and

16 **Whereas,** the effect of Chapter 182 is to decrease funding to
many regional sites, which may already be facing a budget
18 shortage; and

20 **Whereas,** the regional sites in York County currently are
facing a funding shortage for fiscal year 1999-00 of \$300,000.
22 The effect of Chapter 182 is to decrease the funding by another
\$150,000, causing a total shortfall for the regional sites in
York County of \$450,000; and

24 **Whereas,** these decreases in funding will have devastating
26 effects on the provision of services by the Child Development
Services System; and

28 **Whereas,** Chapter 182 must be changed immediately to
30 ameliorate the devastating effects; and

32 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
34 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
36 safety; now, therefore,

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

40 **Sec. 1. 20-A MRSA §7727, sub-§4-A, ¶B,** as enacted by PL 1999,
c. 296, §5, is amended to read:

42 B. The formula may allocate a portion of total funds, ~~not~~
44 ~~to-exceed-8%-of-the-State's-general-fund-appropriation-for~~
46 ~~the-Child-Development-Services-System,-for-distribution~~ to
the regional sites based on unanticipated changes in costs
48 or amount of mandated services provided during the fiscal
year. The formula may also include a provision to limit the
magnitude of gain ~~or-less~~ of funds a site will experience
50 from one fiscal year to the next. The formula may not

decrease the amount allocated to a site from one fiscal year to the next.

Sec. 2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1999-00

EDUCATION, DEPARTMENT OF

Preschool Handicapped

Sec. 3. Retroactivity. This Act applies retroactively to May 24, 1999.

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

SUMMARY

Public Law 1999, chapter 296 requires the Department of Education to develop a funding formula to make annual grant awards to regional intermediate educational sites. The law allows the department to limit the gain or loss of funds a site receives. The law grants the department emergency rule-making authority, but requires the department to submit the rules to the 120th Legislature for review. Pursuant to the law, the department provisionally adopted Chapter 182: Formula for Distribution of Funds to Child Development Services Regional Sites. Chapter 182 caps the loss of funds at 5%. The rules are provisionally effective June 30, 1999 and affect appropriations for fiscal year 1999-00.

40 This bill prohibits the department from adopting rules that
41 decrease the amount of funding allocated to a regional site from
42 the previous fiscal year. The prohibition on funding decreases
43 is made retroactive to the effective date of Public Law 1999,
44 chapter 296. This bill also appropriates \$300,000 to Child
45 Development Services System regional sites in York County to
46 cover a shortfall in funding from the previous fiscal year.