

# MAINE STATE LEGISLATURE

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L.D. 766

DATE: 6-1-01

(Filing No. H-662)

MAJORITY  
EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
120TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 611, L.D. 766, Bill, "An Act to Improve Child Development Services"

Amend the bill by striking out the title and substituting the following:

**'Resolve, to Improve Child Development Services'**

Further amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

**'Sec. 1. Reorganization plan. Resolved:** That the Commissioner of Education shall review the delivery of child development services for infants and children from birth to under 6 years of age in the State and develop a plan for reorganization of the provision of those services that is consistent with this Act and the federal Individuals with Disabilities Education Act, 20 United States Code, Chapter 33. The commissioner's plan must be designed to provide high-quality services for children and families that are timely and geographically accessible and at a reasonable cost.

**1. Goals of reorganization.** The commissioner shall develop a reorganization plan that:

- A. Identifies and establishes the Department of Education as the agency responsible for the statewide delivery of child development services. The plan must provide for consultation by the department with the Department of Human

A. of S.

COMMITTEE AMENDMENT "A" to H.P. 611, L.D. 766

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Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services in order to provide coordinated delivery and cost-effective management of those services;

B. Vests the Commissioner of Education with decision-making authority over all aspects of the statewide delivery system in order to ensure equitable distribution of the delivery of those services;

C. Establishes a reasonable number of geographically dispersed sites to provide reasonable access to required services in a timely manner;

D. Provides processes for affected parties to appeal decisions of the commissioner; and

E. Provides for implementation beginning July 1, 2002.

**2. Reorganization plan report.** The Commissioner of Education shall submit a report, which must include a reorganization plan and legislation necessary to implement the reorganization, to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services no later than January 15, 2002.

A. The report must specify the recommended organizational and functional changes in the Child Development Services System and must estimate any reduction or increase in expenditures that may result from implementing the recommendations and describe any improvements in management, delivery of services, execution of the applicable laws and increases in efficiency of operations that it is expected will be realized as a result of the reorganizations included in the plan.

B. The reorganization plan must identify the actions and present a timetable to complete the reorganization. It must address transition issues necessary to implement the reorganization, including, but not limited to, statutory changes, orders, directives and other administrative and operational actions necessary for completion of the reorganization, the status of any contractual relationships involving the existing sites or the State that will extend beyond July 1, 2002 and any preliminary steps that have been taken in the implementation process.

C. The report may include any other information that the Commissioner of Education or the legislative subcommittee

**COMMITTEE AMENDMENT**

established in section 2 determines is relevant for consideration of the plan.

**3. Introduction of legislation.** Following receipt of the Commissioner of Education's report, the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services may introduce legislation to the Second Regular Session of the 120th Legislature; and be it further

**Sec. 2. Legislative oversight subcommittee. Resolved:** That, no later than September 15, 2001, a subcommittee of legislators must be appointed to advise the Commissioner of Education and to act as liaison to the Legislature on the development of the reorganization plan under section 1. The subcommittee consists of members of the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services and must be appointed by the chairs of each committee. The subcommittee consists of one member of the Senate and 2 members of the House of Representatives from each committee. When the appointments are complete, the committee chairs shall convene the first meeting. At the first meeting, the subcommittee shall select 2 cochairs. The subcommittee may meet as it determines necessary, including meetings mutually agreed to with the commissioner, to advise the commissioner on the development of the reorganization plan. The subcommittee shall report on the status of the reorganization plan to both joint standing committees in October and November 2001. Members of the subcommittee are eligible to receive legislative per diem and expenses for attending subcommittee meetings. The subcommittee may request staff assistance from the Legislative Council; and be it further

**Sec. 3. Outside consultations. Resolved:** That, in developing the reorganization plan, the Commissioner of Education and the legislative subcommittee established in section 2 may consult with and use the services of representatives of outside organizations with expertise in the delivery of child development services, including the National Conference of State Legislatures, the Margaret Chase Smith Center for Public Policy at the University of Maine and the Edmund S. Muskie School of Public Service at the University of Southern Maine. In those consultations, legislative funds other than for legislative per diem and expenses and for in-kind services may not be expended; and be it further

**Sec. 4. Appropriation. Resolved:** That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

R. & S.

2001-02

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**LEGISLATURE**

**Legislative Oversight Subcommittee to Advise the Commissioner of Education on the Reorganization Plan for Child Development Services**

10	Personal Services	\$3,850
	All Other	4,300

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Provides funds for the per diem and expenses of members of the oversight committee, per diem and expenses of members of the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services for meetings with the oversight committee and for miscellaneous oversight committee expenses.

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**LEGISLATURE**

**TOTAL**

\$8,150'

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Further amend the bill by inserting at the end before the summary the following:

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**FISCAL NOTE**

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2001-02

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**APPROPRIATIONS/ALLOCATIONS**

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General Fund	\$8,150
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The Legislature will require an additional General Fund appropriation of \$8,150 in fiscal year 2001-02 for the per diem and expenses of the members of the legislative oversight committee advising the Commissioner of Education on the Child Development Services System reorganization plan and for the remaining members of the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Education and Cultural Affairs for meetings to be held with the legislative oversight committee and for miscellaneous committee costs.

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The additional costs associated with certain activities regarding child development services can be absorbed by the Department of Education, the Department of Human Services and the

R. of S.

Department of Mental Health, Mental Retardation and Substance Abuse Services utilizing existing budgeted resources.'

**SUMMARY**

This amendment is the majority report on the bill jointly referred to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services. The amendment replaces the bill and makes it a resolve. The amendment directs the Commissioner of Education to review and develop a plan for reorganization of the provision of child development services required under federal law to children from birth to under 6 years of age throughout the State. The plan must provide for centralized administration of the system for delivering those services with the responsibility for decision making vested in the Department of Education in order to provide for equitable distribution of resources and services based on need across the State. The department must consult with the Department of Human Services and Department of Mental Health, Mental Retardation and Substance Abuse Services. To ensure that required services are provided in a timely manner, the plan must also establish regional sites.

A 6-member legislative subcommittee is established to advise the Commissioner of Education in developing the plan. The subcommittee consists of members of the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services. The commissioner and subcommittee may use the services of outside consultants from national organizations in reviewing the current system and developing the reorganization plan.

The commissioner must report to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services by January 15, 2002. The report must include the proposed reorganization plan and provide for implementation by July 1, 2002. The report must address transition issues and contain proposed implementing legislation. The joint standing committees are authorized to introduce legislation to the Second Regular Session of the 120th Legislature to implement the plan.

The amendment also adds an appropriation section and a fiscal note to the bill.