

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 766

H.P. 611

House of Representatives, February 13, 2001

An Act to Improve Child Development Services.

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative FULLER of Manchester.
Cosponsored by Senator MITCHELL of Penobscot and
Representatives: BAKER of Bangor, KANE of Saco, NASS of Acton, QUINT of Portland,
WATSON of Farmingdale, Senator: LONGLEY of Waldo.

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

2 **Sec. 1. 5 MRSA §12004-G, sub-§15-B** is enacted to read:

4 15-B. Interde- Expenses 22 MRSA
6 Human Services partmental Only §8429
8 Coordina-
10 ting Coun-
 cil for
 Early Inter-
 vention

12 **Sec. 2. 20-A MRSA c. 307-A**, as amended, is repealed.

14 **Sec. 3. 22 MRSA c. 1676** is enacted to read:

16 CHAPTER 1676

18 SERVICES FOR INFANTS AND CHILDREN
20 WITH DISABILITIES

22 §8421. System

24 1. Establishment. The Child Development Services System is
26 established for the purpose of maintaining a coordinated service
28 delivery system for the provision of childfind activities for
30 children, from birth to under 6 years of age, early intervention
32 services for eligible children, from birth to under 3 years of
34 age, and free, appropriate public education services for eligible
36 children, from 3 years of age to under 6 years of age, who have a
38 disability. The Child Development Services System consists of
40 regional sites organized as intermediate educational units or as
 private nonprofit corporations, one state-level intermediate
 educational unit within the Department of Human Services and an
 Interdepartmental Coordinating Council for Early Intervention
 advisory board. The Child Development Services System shall
 ensure application of the provisions of this chapter statewide
 through a contractual or grant relationship between the
 Department of Human Services and each regional site.

42 2. Governmental purpose. The Child Development Services
44 System is established as a body corporate and politic and as a
46 public instrumentality of the State, and the exercise of the
 powers conferred by this section is deemed to be the performance
 of essential governmental functions.

48 §8422. Definitions

50 As used in this chapter, unless the context otherwise
 indicates, the following terms have the following meanings.

2 **1. Child Development Services System.** "Child Development
Services System" means regional sites, a state-level
4 intermediate educational unit and an Interdepartmental
Coordinating Council for Early Intervention established to ensure
6 the provision of childfind activities, early intervention
services and free, appropriate public education services to
8 eligible children.

10 **2. Childfind.** "Childfind" means the identification,
location and evaluation, at no cost to the family, of children,
12 from birth to under 6 years of age, with disabilities.

14 **3. Council.** "Council" means the Interdepartmental
Coordinating Council for Early Intervention created in section
16 8429.

18 **4. Disability.** "Disability" means:

20 A. For children from birth to under 3 years of age,
developmental delays as measured by appropriate diagnostic
22 instruments and procedures in one or more of the following
areas: cognitive development; physical development,
24 including vision and hearing; communication development;
social or emotional development; or adaptive development,
26 with the delay being such that the child needs early
intervention services or a diagnosed physical or mental
28 condition that has a high probability of resulting in
developmental delay, with the condition being such that the
30 child needs early intervention services; or

32 B. For children 3 years of age to under 6 years of age,
evaluated in accordance with 34 Code of Federal Regulations,
34 300.530-534, developmental delays, as measured by
appropriate diagnostic instruments and procedures, or
36 impairments in one or more of the following areas:
cognitive development; physical development, including
38 vision and hearing; communication development; social or
emotional development; adaptive development; mental
40 retardation; hearing impairments, including deafness; speech
or language impairments; visual impairments, including
42 blindness; serious emotional disturbance; orthopedic
impairments; autism; traumatic brain injury; other health
44 impairments; specific learning disabilities; deaf-blindness;
or multiple disabilities, with the delay or impairment being
46 such that the child needs special education and related
services.

48 **5. Early intervention services.** "Early intervention
50 services" means services that are designed to meet the

2 developmental needs of each child, from birth to under 3 years of
3 age, eligible under the federal Individuals with Disabilities
4 Education Act, 20 United States Code, Chapter 33 and the needs of
5 the family related to enhancing the child's development that are
6 provided under public supervision by qualified providers and that
7 are made available by use of 3rd-party resources or a system of
8 payments by families, including a schedule of sliding fees.

9
10 **6. Free, appropriate public education services.** "Free,
11 appropriate public education services" means those services that
12 are designed to meet the developmental needs of eligible
13 children, from 3 years of age to under 6 years of age, who have a
14 disability. These services include:

- 15 A. Early identification, screening and assessment services;
- 16
- 17 B. Medical services for diagnostic or evaluation purposes
18 only;
- 19
- 20 C. Occupational therapy;
- 21
- 22 D. Parent counseling and training;
- 23
- 24 E. Physical therapy;
- 25
- 26 F. Psychological services;
- 27
- 28 G. Special instruction;
- 29
- 30 H. Speech pathology and audiology;
- 31
- 32 I. Developmental therapy; and
- 33
- 34 J. Transportation.

35
36 **7. Intermediate educational unit.** "Intermediate
37 educational unit," as defined in the federal Individuals with
38 Disabilities Education Act, 20 United States Code, Chapter 33,
39 means any public authority, other than a local education agency,
40 under the general supervision of a state education agency that is
41 established for the purpose of providing free, appropriate public
42 education on a regional basis and that provides special education
43 and related services to children with a disability within the
44 State.

45
46 **8. Regional site.** "Regional site" means locally governed
47 regional intermediate educational units or private nonprofit
48 corporations established to ensure provision of services to
49 infants and children under this chapter.
50

2 **§8423. Department of Human Services**

4 **1. Responsibility.** The department is designated as the
6 state agency responsible for carrying out the State's obligations
8 under the federal Individuals with Disabilities Education Act, 20
10 United States Code, Chapter 33 for children from birth to under 6
12 years of age.

14 **2. Plan.** The department shall submit a proposal to the
16 Department of Education, which shall submit the State's plan for
18 meeting the requirements of the federal Individuals with
20 Disabilities Education Act, 20 United States Code, Chapter 33 to
22 the Federal Government. The State's plan may not require
24 services that exceed minimum federal requirements.

26 **3. Administration of federal funds.** The Department of
28 Education is the entity responsible for assigning financial
30 responsibility among appropriate agencies under 34 Code of
32 Federal Regulations, Section 303.143, July 1993 and in accordance
34 with 34 Code of Federal Regulations, Section 303.523, July 1993.
36 The Department of Human Services shall administer the funds used
38 for children from birth to under 6 years of age.

40 **4. Rule-making authority.** The commissioner may adopt rules
42 necessary to implement this chapter in accordance with the Maine
44 Administrative Procedure Act. Except as otherwise provided,
46 those rules are routine technical rules as defined in Title 5,
48 chapter 375, subchapter II-A.

50 **5. Contracts.** The department may enter into contracts,
52 leases and agreements and any other instruments and arrangements
54 that are necessary, incidental or convenient to the performance
56 of its duties and the execution of its powers under this chapter.

58 The department shall contract with the board of directors of a
60 private nonprofit corporation for no fewer than 3 years and
62 approve an annual entitlement plan with the board of directors of
64 an intermediate educational unit for the purpose of ensuring
66 coordinated service delivery in each region of the State from
68 birth to under 6 years of age.

70 Contracts with boards of directors of private nonprofit
72 corporations and plans of intermediate educational units must
74 ensure:

76 A. That free screening, evaluation and referral services
78 are accessible to all children, from birth to under 6 years
80 of age;

2 B. That children with disabilities, from 3 years of age to
4 under 6 years of age, have free, appropriate public
6 education services available to them; and

8 C. That children, from birth to under 3 years of age, have
10 early intervention services available to them through
12 3rd-party payment or through a system of payments by
14 families, including a schedule of sliding fees.

16 **6. Implementation of early intervention and of free,**
18 **appropriate public education services.** The department, through
20 **the Child Development Services System, shall ensure:**

22 A. That free screening, evaluation and referral services
24 are accessible to all children, from birth to under 6 years
26 of age;

28 B. That preschool children with disabilities, from 3 years
30 of age to under 6 years of age, have free, appropriate
32 public education services available to them;

34 C. That rules are developed, adopted and implemented
36 describing minimum standards for:

38 (1) A least restrictive environment;

40 (2) Nondiscrimination;

42 (3) The rights of parents;

44 (4) Free and appropriate public services;

46 (5) Eligibility criteria;

48 (6) The federal "childfind" program;

50 (7) Program development, service descriptors and
service delivery;

(8) An early childhood team;

(9) An individualized family service plan;

(10) Statements of assurances;

(11) Procedural safeguards and appeals processes;

(12) Due process hearings;

(13) Confidentiality of information;

- 2 (14) Data collection, reporting and utilization;
- 4 (15) Surrogate parents;
- 6 (16) Standardized procedures and rates of payment for
8 early intervention and free appropriate public
 education services; and
- 10 (17) The frequency and intensity of developmental
12 therapy and special instruction services;

14 D. That children, from birth to under 3 years of age, have
 early intervention services available to them through
16 3rd-party payment or through a system of payments by
 families, including a schedule of sliding fees; and

18 E. That the nonsupplanting requirement under the federal
 Individuals with Disabilities Education Act, 20 United
20 States Code, Chapter 33 and its implementing regulations is
 addressed by the council for purposes of reporting under
22 section 8432.

24 7. Regional site compliance. The department, in
 consultation with regional sites and the council, shall develop
26 an action plan with time lines to achieve compliance for regional
 sites that are not in compliance with federal or state law. The
28 department may assume temporary responsibility for operations at
 a site that fails to meet compliance requirements.

30 **§8424. State intermediate educational unit; establishment;**
32 **powers; duties and obligations**

34 The commissioner shall establish and supervise a state
 intermediate educational unit to perform the following duties:

36 1. Federal obligations. For children from birth to under 6
38 years of age to develop and adopt statewide policies and rules
 for carrying out the provisions of this chapter to meet federal
40 obligations under the federal Individuals with Disabilities
 Education Act, 20 United States Code, Chapter 33, Subchapter II
42 and Subchapter VIII. These obligations for children from birth
 to under 6 years of age must include but are not limited to:

- 44 A. Personnel standards;
- 46 B. A comprehensive system of personnel development;
- 48 C. Program monitoring;

50

- 2 D. Data collection and storage, consistent with department
 policies;
- 4 E. Interagency agreements at the state level;
- 6 F. Public awareness;
- 8 G. Payment for early intervention and free, appropriate
10 public education services; and
- 12 H. Standards for frequency and intensity of developmental
 therapy and special instruction services;
- 14 2. Program and policy compliance. To provide training and
16 technical assistance in the policies and procedures necessary to
 meet all federal and state guidelines required by this chapter;
- 18 3. Fiscal compliance. To ensure regional site fiscal
20 compliance by reviewing or performing regular audits of site
 records;
- 22 4. Free, appropriate public education training. To provide
24 training and certification to regional site employees and others
 in commitment of funds used to provide free, appropriate public
26 education;
- 28 5. Employees. Employ professional and other staff
 necessary to carry out the state-level functions required by this
30 chapter;
- 32 6. Suits. Sue and be sued in its own name;
- 34 7. Acquire supplies. Acquire supplies, materials and
 incidental services through cash purchases, sole-source purchase
36 orders and bids or contracts as necessary or convenient to
 fulfill the purposes of this chapter;
- 38 8. Acquire property. Acquire by purchase, gift, lease or
 rent any property, lands, buildings, structures, facilities or
40 equipment necessary to fulfill the purposes of this chapter;
- 42 9. Other duties. Perform other duties assigned by the
44 Legislature, delegate duties and authority, but not
 responsibility, as necessary for the efficient operation of this
46 chapter and do any other acts or things necessary or convenient
 to carry out the powers expressly granted or reasonably implied
48 in this chapter; and
- 50 10. Dissemination of information. Apply the federal Family
 Educational Rights and Privacy Act of 1974, Public Law 93-380, as

2 amended by Public Law 93-568, and the federal Individuals with
4 Disabilities Education Act, 20 United States Code, Chapter 33 to
6 the dissemination of information about children, from birth to
8 under 6 years of age, who are served by the Child Development
10 Services System.

12 All state intermediate educational unit employees are
14 employees for purposes of the Maine Tort Claims Act.

16 **§8425. Regional site governance**

18 Boards of directors of the regional sites established to
20 ensure childfind activities for children from birth to under 6
22 years of age, to coordinate early intervention services for
24 eligible children, from birth to under 6 years of age and to
26 coordinate free, appropriate public education services for
28 eligible children from 3 years of age to under 6 years of age
30 shall organize, at the discretion of each board, as a private
32 nonprofit corporation or an intermediate educational unit.
34 Regional site boards of directors may take formal action, in
36 accordance with their regional bylaws, to dissolve or to
38 consolidate with another regional site board that has agreed to
40 the consolidation. The process of dissolution and any decisions
42 to consolidate are subject to the approval of the department.

44 **§8426. Regional site board of directors**

46 Each board of directors of a regional intermediate
48 educational unit or a private nonprofit corporation is
50 responsible for governance of its activities, including the
management and oversight of its general operations as established
in section 8425. Membership must include representatives of the
regional offices of the department and the Department of Mental
Health, Mental Retardation and Substance Abuse Services,
representatives of participating school administrative units,
parents of infants and children with disabilities and other
community members as determined appropriate. Terms of membership
and methods of appointment or election must be determined by
board bylaws, subject to approval of the department.

52 **§8427. Regional site; administration**

54 A regional site board of directors shall:

56 1. **Fiscal services; billing.** Provide fiscal management of
58 money allocated to it, in compliance with state and federal laws
60 and subject to proof by an annual audit. Fiscal services may be
secured as a contracted or in-kind service. Bill public and
private programs and 3rd-party payors for services provided to
eligible children and families;

2 2. Employees. Employ qualified professional and other
3 staff at the local site. The board of directors has the
4 authority to hire, fire and supervise the staff of the regional
5 site and to develop and adopt personnel policies for its
6 employees. Professional therapists may be employed as site staff
7 when the board and the state intermediate educational unit find
8 that:

10 A. Site staff therapists are needed to perform evaluations
11 of children to ensure appropriate service plans;

12 B. Therapists serving children on a contractual basis are
13 unable to provide required services within the time lines
14 mandated by the federal Individuals with Disabilities
15 Education Act, 20 United States Code, Chapter 33; or

16 C. Site staff therapists are able to provide services
17 comparable to those provided by contract therapists at an
18 identifiable savings, including all costs associated with
19 delivery of services to the Child Development Services
20 System, as determined by the commissioner;

21 3. Collective bargaining. Bargain collectively if
22 employees choose to be represented by a collective bargaining
23 agent. The board of directors of a local intermediate education
24 unit is a public employer within the meaning of Title 26, section
25 962, subsection 7. Employees of a regional site board of
26 directors are public employees within the meaning of Title 26,
27 section 962, subsection 6;

28 4. Fringe benefits. Determine which fringe benefits may be
29 offered to employees, dependent on cost, ease of administration
30 and competitiveness in recruiting and retaining qualified
31 personnel;

32 5. Retirement plan. Select an employee retirement plan
33 option that meets all applicable federal and state requirements;

34 6. Contracts. Subject to the approval of the department,
35 enter into contracts, leases and agreements and any other
36 instruments and arrangements that are necessary, incidental or
37 convenient to the performance of its duties and the execution of
38 its powers under this chapter. A regional site board of
39 directors shall consider collaboration with school administrative
40 units that are operating or that wish to develop, pursuant to
41 Title 20-A, section 4253, early childhood programs in the
42 regional board's area in order to:

2 A. Maximize the benefit of state interdepartmental
agreements and efforts;

4 B. Maximize the effective use of qualified personnel,
facilities and other resources;

6 C. Ensure consistent quality of early childhood
8 programming; and

10 D. Facilitate the transition process, for children and
12 families, from the Child Development Services System to the
public school system;

14 7. Suits. Sue and be sued in its own name;

16 8. Acquire supplies. Acquire supplies, materials and
18 incidental services, through cash purchases, sole-source purchase
orders, bids or contracts, as necessary or convenient to fulfill
20 the purposes of this chapter;

22 9. Acquire property. Acquire by purchase, gift, lease or
rent any property, lands, buildings, structures, facilities or
24 equipment necessary to fulfill the purposes of this chapter;

26 10. Other duties. Fulfill other duties as necessary for
the efficient operation of this chapter and do any other acts or
28 things necessary or convenient to carry out the powers expressly
granted or reasonably implied in this chapter; and

30 11. Dissemination of information. Apply the federal Family
32 Educational Rights and Privacy Act of 1974, 20 United States
Code, Section 12329 and the federal Individuals with Disabilities
34 Education Act, 20 United States Code, Chapter 33 to the
dissemination of information about infants and children, from
36 birth to under 6 years of age, with disabilities who are served
through the regional site.

38 All regional site employees and board members of a regional
40 intermediate educational unit are employees for purposes of the
Maine Tort Claims Act.

42 **§8428. Regional site; duties and obligations**

44 The board of directors of a private nonprofit corporation or
46 an intermediate educational unit shall:

48 1. Childfind. Ensure provision of childfind activities as
required by the federal Individuals with Disabilities Education
50 Act, 20 United States Code, Chapter 33;

2 2. Childcount. Ensure provision of childcount activities
as required by the federal Individuals with Disabilities
Education Act, 20 United States Code, Chapter 33;

4
6 3. Part H. Ensure appropriate data collection, training,
staff development and direct service provision to eligible
8 children, from birth to under 3 years of age, in accordance with
Part H of the federal Individuals with Disabilities Education
Act, 20 United States Code, Chapter 33;

10
12 4. Early intervention services. Ensure that eligible
children, from birth to under 3 years of age, receive early
14 intervention services, in accordance with the payment provisions
established by the State;

16 5. Free, appropriate public education. Ensure that
eligible children, from 3 years of age to under 6 years of age,
18 receive free, appropriate public education services in
collaboration with school administrative units, when possible;

20 6. Individual family service plan. Coordinate development
22 of individual family service plans with eligible families;

24 7. Service providers. Contract, whenever possible, with
providers of early intervention services approved by the Bureau
26 of Medical Services within the department;

28 8. Designate personnel for training. Designate local
personnel for training to commit funds for free, appropriate
30 public education. Personnel who commit funds for free,
appropriate public education must be trained and certified by the
32 state intermediate educational unit. The board of directors
shall determine which trained and certified personnel may commit
34 funds;

36 9. Targeted case management. Following certification by the
Bureau of Medical Services within the department, seek
38 reimbursement, whenever feasible, for targeted case management;
and

40
42 10. Provider advisory board. Establish an advisory board
consisting of representatives of area service providers to advise
44 the regional board of directors on matters related to the
provision of services to children and families within the
46 region. Provider advisory boards must be established subject to
rules established by the commissioner. Rules adopted pursuant to
48 this subsection are major substantive rules as defined in Title
5, chapter 375, subchapter II-A.

50 §8429. Interdepartmental coordination

2 The council, as established in Title 5, section 12004-G,
3 subsection 15-B, is created as an advisory body to the
4 commissioner regarding the coordination of policies and programs
5 aimed at implementing the federal Individuals with Disabilities
6 Education Act, 20 United States Code, Chapter 33 and 34 Code of
7 Federal Regulations, 303.650 to 303.654, July 1993 for children
8 from birth to under 6 years of age.

10 The obligations of the council, as set forth in this
11 section, may be met at the commissioner's discretion by any other
12 advisory body to the commissioner required under the federal
13 Individuals with Disabilities Education Act, 20 United States
14 Code, Chapter 33 for preschool-aged children with disabilities,
15 provided that the federal membership requirements of the council
16 are met.

18 Membership of the council must be in keeping with the
19 federal Individuals with Disabilities Education Act, 20 United
20 States Code, Chapter 33, contingent upon state participation in
21 the federal Individuals with Disabilities Education Act, Parts B
22 and H. Appointments to the council must be made by the Governor
23 for terms defined in rules adopted by the commissioner. The
24 council shall meet at least quarterly.

26 The commissioner shall adopt rules describing the
27 composition of the council, selection process and duties of the
28 members consistent with the purposes of this chapter.

30 The council shall designate from among its members a
31 steering committee responsible to the council for carrying out
32 the duties described in this section. The commissioner shall
33 adopt rules describing the composition, selection process and
34 responsibilities of the steering committee.

36 **1. Recommendations.** The council shall recommend to the
37 department, with the advice of the regional site boards of
38 directors, legislation that is needed to maintain or further
39 develop the statewide system of early intervention services.

40 **2. Consider issues.** The council shall consider, with the
41 advice of the regional site boards of directors and the state
42 intermediate educational unit, issues affecting early
43 intervention services in the State, including, but not limited to:

44 A. Successful early intervention strategies;

45 B. Personnel preparation and continuing education;

2 C. Childfind activities and methods as required by the
3 federal Individuals with Disabilities Education Act, 20
4 United States Code, Chapter 33;

5 D. Public awareness as required by the federal Individuals
6 with Disabilities Education Act, 20 United States Code,
7 Chapter 33; and

8 E. Contemporary research.

10 3. Bylaws. The council shall develop and adopt bylaws for
11 its conduct.

12 4. Advise. The council shall advise the department in the
13 development and implementation of rules, to be carried out by the
14 department, as necessary to carry out the duties and purposes of
15 this chapter.

16 5. Chair. The council shall annually elect one member to
17 serve as chair.

18 6. Compensation. The members of the council are entitled
19 to compensation in accordance with Title 5, section 12004-G,
20 subsection 15-B. Agency representatives on the council are
21 entitled to reimbursement for expenses incurred in the
22 performance of their council duties by the represented agencies
23 in accordance with the provisions for state employees. Consumer
24 members are entitled to reimbursement for actual and necessary
25 expenses incurred in the performance of their duties.

26 7. Staffing. The department and the state intermediate
27 educational unit shall provide to the council the equivalent of
28 one full-time professional staff person.

29 8. Committee and advisory activities. The council may
30 establish committees composed of parents, professionals, advocacy
31 group representatives, members of the board of directors and
32 employees in keeping with the bylaws adopted by the council.

33 9. Voting. The council shall adopt bylaws that define a
34 quorum for the purpose of conducting business of the council.

35 10. Dispute resolution. The council shall assist the lead
36 agency in dispute resolution in a manner consistent with 34 Code
37 of Federal Regulations, Section 303.524, July 1993.

38 §8430. Distribution of funds to school administrative units

39 In addition to the programs authorized in this chapter, the
40 commissioner may authorize expenditures to school administrative
41 units.

2 units for services for children, from birth to under 6 years of
3 age, who are disabled, in a manner consistent with Title 20-A,
4 sections 4251 to 4254 and section 15603, subsection 22, paragraph
5 D.

6 1. Governance and financial responsibility. The school
7 board responsible for operating the preschool service shall
8 assume the financial responsibility for the program. The school
9 board is entitled to receive the state subsidy for the program
10 and may charge tuition for costs that exceed expenditures made
11 for those programs in the base year.

12 2. Dedication of funds. Funds generated under the school
13 subsidy formula of the Department of Education through
14 expenditures for programs for children, from birth to under 6
15 years of age, who are disabled, must be committed to continue to
16 fund programs and services for the target population at the local
17 level.

18 3. Coordination of services and resource development
19 activities. School administrative units shall coordinate their
20 program and service activities for children, from birth to under
21 6 years of age, who are disabled, with the regional sites to
22 avoid duplication and maximize the use of resources in accordance
23 with the rules adopted by the department.

24 **§8431. Annual report**

25 The council shall provide to the joint standing committee of
26 the Legislature having jurisdiction over human services matters
27 and to the commissioner an annual report on the early
28 intervention services in the State. This report must include a
29 demonstration that: the funds provided under the federal
30 Individuals with Disabilities Education Act, 20 United States
31 Code, Chapter 33, Subchapter II and Subchapter VIII were used to
32 supplement and increase, and not to supplant, the level of other
33 federal, state and local funds that are available for children
34 with disabilities; and the federal funds generated under the
35 federal Individuals with Disabilities Education Act, 20 United
36 States Code, Chapter 33, Subchapter II and Subchapter VIII were
37 not used to satisfy a financial commitment for services that
38 would have been paid for by a health agency or another agency
39 pursuant to policy or practice but for the fact that these
40 services are now listed on the individualized family service
41 plans of children with disabilities.

42 **Sec. 4. 22 MRSA §8823, sub-§2, ¶C,** as enacted by PL 1999, c.
43 647, §2, is amended to read:
44

2 C. A representative of hospitals, a representative of
health carriers, a representative of the Child Development
4 Services System established ~~in Title 20-A, section 7724~~
pursuant to section 8421 and a representative of the
6 department.

8 **Sec. 5. 26 MRSA §962, sub-§7, ¶A,** as amended by PL 1999, c.
775, §13, is further amended to read:

10 A. Any officer, board, commission, council, committee or
other persons or body acting on behalf of:

12 (1) Any municipality or any subdivision of a
14 municipality;

16 (2) Any school, water, sewer, fire or other district;

18 (3) The Maine Turnpike Authority;

20 (4) Any board of directors functioning as a regional
intermediate education unit pursuant to Title 20-A 22,
22 section ~~7730~~ 8425;

24 (5) Any county or subdivision of a county;

26 (6) The Maine State Retirement System; or

28 (7) The Governor Baxter School for the Deaf; or

30 **Sec. 6. Transition provisions.**

32 **1. Funds transferred.** Notwithstanding the Maine Revised
Statutes, Title 5, sections 1585 and 1586, all accrued
34 expenditures, assets, liabilities, balances, appropriations or
allocations, transfers, revenues and other available funds in any
36 account or subdivision of any account of the Child Development
Services System under the Department of Education are transferred
38 to the Department of Human Services as required by the assignment
of responsibilities of this Act.

40 **2. Personnel and employment benefits transferred.** All
42 employees of the Child Development Services System under the
Department of Education are transferred to the Department of
44 Human Services as required by the assignment of responsibilities
of this Act.

46 **3. Equipment and property transferred.** All equipment,
48 records and property of the State used by employees and officials
of the Child Development Services System under the Department of

Education are transferred to the Department of Human Services as required by the assignment of responsibilities of this Act.

4. Financial order required. The Commissioner of Human Services and the Commissioner of Education shall jointly request, by financial order through the State Budget Office, the Governor's approval of the funds, positions, equipment and property to be transferred.

5. Rules and procedures. All rules and procedures currently in effect and in operation pertaining to the Child Development Services System under the Department of Education remain in effect until rescinded or amended as provided by state law.

6. Contracts and agreements. All contracts and agreements currently in effect with respect to the Child Development Services System under the Department of Education remain in effect until rescinded, terminated or modified as provided by state law.

7. Organization and operation. Planning or preparatory work necessary to implement this Act may occur prior to the effective date of this Act but is not binding until the effective date of this Act.

Sec. 7. Implementation. The transfer of responsibility for administration of the Child Development Services System from the Department of Education to the Department of Human Services takes effect July 1, 2002. Following the effective date of this Act, the Commissioner of Human Services shall review this Act and institute a study of the transfer. The study must identify any necessary amendments to this Act and other issues necessitating legislative action to accomplish the purposes of the Act. The commissioner shall report the results of the study to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over education and cultural affairs matters by December 1, 2001. Following receipt of the commissioner's report, either legislative committee may introduce legislation to the Second Regular Session of the 120th Legislature to amend or clarify this Act.

Sec. 8. Collaborative work. The Department of Human Services shall require collaboration in the administration of the following programs: Head Start; Medicaid; early and periodic screening, diagnosis and treatment; and the Child Development Services System. The Commissioner of Human Services shall report to the Legislature by March 1st of each year on the collaborative work being done within the department.

