MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND REGULAR SESSION-2004

Legislative Document

No. 1641

H.P. 1218

House of Representatives, December 8, 2003

An Act To Require That Rules Pertaining to Reimbursement for Services for Child Development Services Be Major Substantive Rules

(EMERGENCY)

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

Received by the Clerk of the House on December 3, 2003. Referred to the Committee on Education and Cultural Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

> Millient M. Mac failand MILLICENT M. MacFARLAND

Clerk

Presented by Representative CRAVEN of Lewiston.

Cosponsored by Representatives: BUNKER of Kossuth Township, MILLETT of Waterford, WALCOTT of Lewiston.

| 2 | Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and |
|-----------------|--|
| 6 | Whereas, attempts have been made to change reimbursement to providers of child development services for the Department of Education; and |
| 8 10 | Whereas, if the changes are made, some providers will have to close; and |
| 12 14 | Whereas, if providers close, children might not receive necessary child development services; and |
| 16 18 | Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, |
| 20 | Be it enacted by the People of the State of Maine as follows: |
| 22 | Sec. 1. 20-A MRSA §7727, sub-§3 as amended by PL 2001, c. 510, §1, is further amended to read: |
| 26 | 3. Rule-making authority. The commissioner may adopt rules |
| 28 | necessary to implement this chapter in accordance with the Maine Administrative Procedure Act. Rules adopted pursuant to this chapter that establish and maintain a statewide network that |
| 30 | ensures the provisions of Childfind for families and children from birth to 5 years of age and-rules-geverning, that govern the |
| 32 | eligibility for and delivery of free appropriate public education to children with disabilities from birth to 5 years of age and |
| 34 | their families or that pertain to reimbursement to providers of services to children and families are major substantive rules as |
| 36 | defined in Title 5, chapter 375, subchapter ##-A 2-A. |
| 38 | Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved. |
| 40 | |
| 42 | SUMMARY |
| 44 46 | This bill requires that rules adopted by the Commissioner of Education pertaining to reimbursement to providers of services to children and families under the Maine Revised Statutes, Title |
| | 20-A, chapter 307-A be major substantive rules. |