

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
124TH LEGISLATURE  
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to S.P. 188, L.D. 489, "Resolve, Regarding Continuity of Care in the Child Development Services System"

Amend the resolve by inserting before section 1 the following:

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

**Whereas,** the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** immediate resolution of eligibility and other issues is necessary for children with disabilities affected by this resolve; and

**Whereas,** the Department of Education must engage in emergency major substantive rulemaking to resolve these issues for children with disabilities; and

**Whereas,** there is an immediate need to ensure that emergency implementation of rules be undertaken to minimize any harm that might come to children as a result of application of current practices; and

**Whereas,** immediate enactment of this resolve is necessary to direct the Department of Education to engage in emergency major substantive rulemaking to resolve these issues; and

**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, be it'

Amend the resolve in section 1 in subsection 5 in the last line (page 1, line 25 in L.D.) by striking out the following: "section." and inserting the following: 'section; and be it further'

Amend the resolve by inserting after section 1 the following:

**'Sec. 2. Emergency major substantive rules. Resolved:** That the Department of Education shall adopt emergency major substantive rules pursuant to the Maine

10/28

1 Revised Statutes, Title 5, chapter 375, subchapter 2-A as soon as practicable but not later  
2 than June 30, 2009 to implement the provisions of section 1.

3 **Emergency clause.** In view of the emergency cited in the preamble, this  
4 legislation takes effect when approved.'

5 **SUMMARY**

6 This amendment adds an emergency preamble and emergency clause and requires the  
7 Department of Education to engage in emergency rulemaking.

8 **SPONSORED BY:**   
9 (Representative SUTHERLAND)

10 **TOWN: Chapman**

**FISCAL NOTE REQUIRED**  
(See attached)



# 124th MAINE LEGISLATURE

LD 489

LR 1853(05)

Resolve, Regarding Continuity of Care in the Child Development Services System

Fiscal Note for House Amendment "A"

Sponsor: Rep. Sutherland of Chapman

Fiscal Note Required: Yes

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## Fiscal Note

Minor cost increase - General Fund

### Fiscal Detail and Notes

Additional costs to the Department of Education associated with emergency rulemaking can be absorbed within existing budgeted resources.