

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

SECOND REGULAR SESSION-2010

Legislative Document

No. 1804

S.P. 707

In Senate, March 2, 2010

**An Act To Make Certain MaineCare Rules Regarding Service
Provided by the Department of Health and Human Services through
the Department of Education Major Substantive Rules**

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator ALFOND of Cumberland.
Cosponsored by Representative FINCH of Fairfield and
Senators: BRANNIGAN of Cumberland, President MITCHELL of Kennebec, WESTON of
Waldo, Representatives: JOHNSON of Greenville, NELSON of Falmouth, RICHARDSON of
Carmel, SUTHERLAND of Chapman, WAGNER of Lewiston.

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

3 **Whereas,** this Act is intended to provide legislative oversight of rules adopted by
4 the Department of Health and Human Services which relate to implementation of the
5 Child Development Services System administered by the Department of Education; and

6 **Whereas,** it is critical that this oversight begin as soon as possible to ensure
7 protection of children in this State in need of services; and

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

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

13 **Sec. 1.** 20-A M.R.S.A. §7209, sub-§9 is enacted to read:

14 **9. Certain MaineCare rules.** Rules adopted by the Department of Health and
15 Human Services under the MaineCare program pursuant to Title 22, chapter 855 that
16 pertain to services provided or funded by the Department of Health and Human Services
17 in whole or in part through the Child Development Services System, including but not
18 limited to early intervention services, day treatment services and school-based
19 rehabilitative services, are major substantive rules as defined in Title 5, chapter 375,
20 subchapter 2-A.

21 **Emergency clause.** In view of the emergency cited in the preamble, this
22 legislation takes effect when approved.

23 SUMMARY

24 This bill is an emergency bill providing that MaineCare rules adopted by the
25 Department of Health and Human Services pertaining to the Child Development Services
26 System are major substantive rules.