

MAINE STATE LEGISLATURE

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Amendment Name: Amendment CA (H-818) (LD 2141 2020)

Date: 8/5/2020

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Date: (Filing No. H-)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
SECOND SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1529, L.D. 2141, “Resolve, To Ensure Continued Services for Children with Disabilities by Imposing a Delay on MaineCare Rulemaking until an Impact Study Is Completed”

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

'Resolve, Relating to Rule-making Authority To Ensure Continued Services for Children with Disabilities'

Amend the resolve by striking out everything after the title and inserting 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, school-based services provided to children are critical to child development and must be available to the maximum extent possible under federal law; and

Whereas, the Legislature has an important role in ensuring that rules adopted by the Department of Health and Human Services result in school-based services being provided to children by providing additional review, and the review must be in place as soon as possible; 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

Sec. 1. School-based services rulemaking; major substantive rules. Resolved: That any amendments to Department of Health and Human Services rules that affect school-based services provided by developmental preschools to children from birth to 5 years of age including those provided under 10-144 C.M.R. Chapter 101: MaineCare Benefits Manual, Chapters II and III, Section 28 or 65 and any new rules relating to these services made prior to January 1, 2023 are major substantive rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A. Notwithstanding Title 5, section

COMMITTEE AMENDMENT

1 8054, the department may not adopt any rule described in this section as an emergency
2 unless the emergency is a response to a state of emergency declared by the Governor.

3 **Sec. 2. Stakeholder group; review of early childhood special education**
4 **services. Resolved:** That the Department of Health and Human Services shall convene
5 a stakeholder group to participate in any rulemaking pursuant to this resolve, including the
6 drafting of rules and any proposed changes to those rules after the public hearing process
7 to the extent permitted by the Maine Revised Statutes, Title 5, chapter 375. Stakeholders
8 include representatives of providers, advocates, parents of children receiving services, the
9 Child Development Services System and the Department of Education. The Department
10 of Health and Human Services also shall take into account the findings from the
11 independent review of the State's early childhood special education services being carried
12 out pursuant to Public Law 2019, chapter 343, Part VVVV.

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

15 Amend the resolve by relettering or renumbering any nonconsecutive Part letter or
16 section number to read consecutively.

17 **SUMMARY**

18 This amendment replaces the resolve. It designates any amendments or new rules made
19 prior to January 1, 2023 governing school-based services provided by developmental
20 preschools to children from birth to 5 years of age to be major substantive rules. It requires
21 the Department of Health and Human Services to convene a stakeholder group when
22 drafting those rules and take into account the findings from the independent review of the
23 State's early childhood special education services being carried out pursuant to Public Law
24 2019, chapter 343, Part VVVV. The amendment also adds an emergency preamble and
25 emergency clause.

26 **FISCAL NOTE REQUIRED**

27 **(See attached)**



129th MAINE LEGISLATURE

LD 2141

LR 3210(02)

**Resolve, To Ensure Continued Services for Children with Disabilities by Imposing a Delay on
MaineCare Rulemaking until an Impact Study is Completed**

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Department of Health and Human Services to adopt the changes in this bill are expected to be minor and can be absorbed within existing budgeted resources. Additional costs to the Department of Education and Child Development Services for representatives to participate in the rulemaking process as part of the stakeholder group can be absorbed within existing budgeted resources.