

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985
Chapters 384-End

AND AT THE

FIRST SPECIAL SESSION

November 13, 1985

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine
1985

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND TWELFTH LEGISLATURE

1985

4. Disbursement not to be approved. No disbursement for client needs may be approved for any service or activity not recommended by interdisciplinary team or necessary to comply with regulations. No disbursement may be made unless evidence is provided that the expense is not reimbursable by the Medicaid Program. It is the intent of the Legislature that the contingency fund established in this section be the funding source of last resort.

Effective September 19, 1985.

CHAPTER 487

H.P. 944 - L.D. 1346

AN ACT to Allow School Administrative Units
to Provide Services to Preschool
Handicapped Students.

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

Sec. 1. 20-A MRSA c. 307, first 2 lines are repealed and the following enacted in their place:

CHAPTER 307

PRESCHOOL HANDICAPPED CHILDREN

SUBCHAPTER I

PRESCHOOL COORDINATION PROJECTS

Sec. 2. 20-A MRSA §7706, as enacted by PL 1981, c. 693, §§5 and 8, is repealed.

Sec. 3. 20-A MRSA c. 307, sub-c. II is enacted to read:

SUBCHAPTER II

ADDITIONAL PROGRAMS

§7721. Additional speech and language programs

In addition to the programs authorized in this chapter, the commissioner may authorize expenditures to institutions and organizations for speech and language education of hearing and language impaired

children who have not reached compulsory school age.

§7722. Preschool services to handicapped children

In addition to the programs authorized in subchapter I, the commissioner may authorize expenditures to school administrative units for services to preschool handicapped students.

1. School year 1985-86. For the school year 1985-86, allowable special education expenditures as defined in section 15603, subsection 22, paragraph D, subparagraph (1), will be made directly to school administrative units based on costs for the base year 1983-84 updated to 1984-85 expenditures.

2. School year 1986-87 and subsequent years. Starting in 1986-87 for base year costs in 1984-85 expenditures will be made through the school subsidy formula.

3. Federal and state funds. Federal and state grants awarded to school administrative units to initiate these services shall be considered local funds in computing the units educational costs in chapter 606. For the base year 1984-85 only, federal money passed through to the local units under the federal Public Law 94-142 legislation and used to fund preschool classrooms for handicapped students may be considered local funds in computing the units educational costs under chapter 606.

4. Governance and financial responsibility. The school board responsible for operating the preschool service shall assume the financial responsibility for the program. It shall receive the state subsidy for the program and may charge tuition for costs which exceed expenditures made for those programs in the base year.

Sec. 4. 20-A MRS §15603, sub-§22, ¶¶B and C, as enacted by PL 1983, c. 859, Pt. G, §§2 and 4, are amended to read:

B. The costs of tuition and board to other schools for programs which have been approved by the commissioner. Medical costs shall not be allowable as part of a tuition charge; and

C. The cost of programs for gifted and talented students which have been approved by the commissioner; and

Sec. 5. 20-A MRSA §15603, sub-§22, ¶D is enacted to read:

D. Starting in 1986-87 for expenditures in the base year 1984-85, the following preschool handicapped services:

(1) The salary and benefit costs of certified professional, assistants and aides or persons contracted to perform preschool handicapped services which have been approved by the commissioner; and

(2) The cost of tuition to other schools for programs which have been approved by the commissioner.

Sec. 6. 20-A MRSA §15612, sub-§9 is enacted to read:

9. Preschool handicapped services adjustment. The allocation for services under section 15603, subsection 22, paragraph D, shall not include 80% of the service costs which have been funded under health insurance policies, federal and state programs, other than those listed in section 7722, or other 3rd-party providers.

Wherever practical, school administrative units shall utilize these insurance and other 3rd-party payors as the first source of funds for these preschool handicapped services.

Sec. 7. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1985-86

EDUCATIONAL AND CULTURAL
SERVICES, DEPARTMENT OF

General Purpose Aid for	
Local Schools	
All Other	\$287,256

Effective September 19, 1985.
