

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWELFTH LEGISLATURE

SECOND REGULAR SESSION
January 8, 1986 to April 16, 1986

SECOND SPECIAL SESSION
May 28, 1986 to May 30, 1986

AND AT THE

THIRD SPECIAL SESSION
October 17, 1986

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

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND TWELFTH LEGISLATURE
1985

CHAPTER 788

H.P. 1438 - L.D. 2029

AN ACT to Exempt Nonprofit Hospice Organizations from the Sales Tax.

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

Sec. 1. 36 MRSA §1760, sub-§55 is enacted to read:

55. Incorporated nonprofit hospice organizations. Sales to incorporated nonprofit hospice organizations which provide a program or care for the physical and emotional needs of terminally ill patients.

Sec. 2. Allocation. The following funds are allocated from the Local Government Fund to carry out the purposes of this Act.

1986-87

TREASURER OF STATE, OFFICE OF

State-municipal Revenue Sharing	
All Other	(\$170)

Effective July 16, 1986.

CHAPTER 789

H.P. 1425 - L.D. 2014

AN ACT to Define Eligibility for School Purposes and to Determine Financial Responsibility for the Education, Care and Treatment of State Agency Clients.

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

Sec. 1. 20-A MRSA §1, sub-§24-A is enacted to read:

24-A. Residential placement. "Residential placement" includes the placement in any children's home licensed pursuant to Title 22, chapter 1669, including:

A. An "emergency shelter," which is a facility operated by a corporation and licensed for the purpose of providing board and care to no more than 10 children over the age of 12 years, who may be runaways or abused children or whose well-being is jeopardized by some other crisis or emergency, and providing services to a child for not more than 21 consecutive days, except with special permission;

B. A "foster home," which is a private home occupied and operated by the owner and licensed to provide 24-hour care for no more than 6 nonrelated children;

C. A "specialized children's home," which is a facility licensed to provide care to no more than 4 moderately to severely handicapped children by a caretaker who is specifically educated and trained to provide for the particular needs of each child placed; and

D. A "residential child care facility," which provides board and care for one or more children on a regular, 24-hours-a-day, residential basis. A residential child care facility does not mean family foster home, specialized children's home or an emergency shelter facility. The term includes, but is not limited to:

(1) A "group home," which is a residential child care facility operated by a corporation and licensed for the purpose of providing board and care for up to 10 children;

(2) A "residential agency," which is a residential child care facility operated by a corporation and licensed for the purpose of providing board and care to more than 10 children;

(3) A "residential treatment center," which is a residential child care facility operated by a corporation and licensed for the purpose of providing therapeutically-planned, group living situations within which educational, recreational, medical and sociopsychotherapeutic components are intergrated for children whose present handicaps preclude community outpatient treatment;

(4) A "residential treatment facility," which is a residential child care facility

operated by a corporation and licensed for the purpose of providing board, care and treatment for more than 10 moderately to severely handicapped children and which does not contain an educational component; and

(5) A "therapeutic group home," which is a residential child care facility operated by a corporation and licensed for the purpose of providing board, care and treatment for up to 10 moderately to severely handicapped children.

Sec. 2. 20-A MRSA §1, sub-§34-A is enacted to read:

34-A. State agency client. "State agency client" means a child of eligible school age who is:

A. In the care or custody, or both, of the Department of Human Services, the Department of Mental Health and Mental Retardation or the Department of Corrections;

B. Placed, with the recommendation of a Bureau of Mental Retardation case manager or an employee of the Office of Children's Services, Department of Mental Health and Mental Retardation, with a person who is not the child's parent, legal guardian or relative;

C. On entrustment or absent-with-leave status from the Maine Youth Center; or

D. Attending a public or private school while still a resident of a state-operated institution.

Sec. 3. 20-A MRSA §5202, sub-§2, as amended by PL 1983, c. 806, §57, is further amended to read:

2. General rule. Persons shall be considered residents of the school administrative unit where their parents reside. A person is eligible to attend schools in the school administrative unit where the person's parent resides, where the person resides upon reaching the age of 18 years or upon becoming an emancipated minor. A federal installation shall be considered part of the school administrative unit in which it is located.

Sec. 4. 20-A MRSA §15613, sub-§5, as enacted by PL 1983, c. 859, Pt. G, §§2 and 4, is repealed and the following enacted in its place:

5. Payment of state agency client costs. Payment of state agency client costs shall be as follows.

A. For the purposes of this subsection, "state agency client" is defined in section 1, subsection 34-A.

B. The commissioner shall approve special education costs for all state agency clients placed in residential placements by an authorized agent of a state agency.

C. Special education costs authorized by this subsection for state agency clients shall be paid by the department in the year of allocation at 100% of actual costs. In the fiscal year beginning July 1, 1987, 75% of those payments shall be considered part of the State's share of the total allocation in meeting the requirements of section 15602, subsection 1. For each fiscal year thereafter, the percentage of those payments, which shall be considered part of the State's share of the total allocation in meeting the requirements of section 15602, subsection 1, shall be reduced by 15% each year until the fiscal year beginning July 1, 1992. Beginning July 1, 1992, these payments shall no longer be considered part of the State's share of the total allocation in meeting the requirements of section 15602, subsection 1.

D. In the fiscal year beginning July 1, 1987, and every fiscal year thereafter, the commissioner shall pay only approved special education costs authorized by this subsection for state agency clients and shall not allocate for those costs incurred by the administrative unit for state agency clients in the base years starting July 1, 1985, and every base year thereafter.

Sec. 5. 34-A MRSA §1206, sub-§1, ¶F is enacted to read:

F. "State agency client" means the same as set out in Title 20-A, section 1, subsection 34-A.

Sec. 6. 34-A MRSA §1206, sub-§4 is enacted to read:

4. Payment for state agency clients. The commissioner shall authorize payment of approved board, care and mental health treatment costs for all state agency clients in the care or custody of the department who are in residential placements, as defined in

Title 20-A, section 1, subsection 24-A, to the extent of funds appropriated by the Legislature for this purpose. In no event may those payments be authorized in excess of funds appropriated for those costs.

Sec. 7. 34-B MRSA §1208, sub-§1, ¶G is enacted to read:

G. "State agency client" has the same meaning as in Title 20-A, section 1, subsection 34-A.

Sec. 8. 34-B MRSA §1208, sub-§4 is enacted to read:

4. Payment for state agency clients. The commissioner shall authorize payment of approved mental health treatment costs for state agency clients who are placed for educational purposes with the recommendation of a Bureau of Mental Retardation case manager or an employee of the Office of Children's Services in an in-state residential treatment center, as identified in Title 20-A, section 1, subsection 24-A, paragraph D, subparagraph (3), to the extent of the amount of funds appropriated by the Legislature for this purpose; and may authorize payment of mental health treatment costs for similar placements in out-of-state residential placements on a case-by-case basis, within the limits of available funds. The commissioner shall further authorize payment of approved board and care and mental health treatment costs for state agency clients who are placed for other than educational purposes with the recommendation of a Bureau of Mental Retardation case manager or an employee of the Office of Children's Services in any residential placement, as defined in Title 20-A, section 1, subsection 24-A, to the extent of the funds appropriated by the Legislature for this purpose. In no event may payments which the commissioner is required to authorize under this section exceed the funds appropriated by the Legislature for the purposes referred to in this subsection. Payment from these funds shall be made only when other appropriate state or federal funds to which the department has access have been exhausted.

Sec. 9. Effective date. This Act shall take effect on July 1, 1987.