

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**November 28, 1995 to December 1, 1995**

**SECOND REGULAR SESSION**  
**January 3, 1996 to April 4, 1996**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 4, 1996**

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

---

---

**J.S. McCarthy Company**  
**Augusta, Maine**  
**1995**

of the Legislature having jurisdiction over marine resource matters. The council may request the State Auditor to conduct that audit. The council shall reimburse the State Auditor for costs incurred by the State Auditor to conduct that audit.

9. Annual report. The council shall present annually a report no later than February 1st to the joint standing committee of the Legislature having jurisdiction over marine resource matters. The report must describe the council's finances and activities in the previous calendar year.

See title page for effective date.

**CHAPTER 661**

**H.P. 1372 - L.D. 1880**

**An Act to Extend the Milk Handling Tax**

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

**Sec. 1. 36 MRSA §4773**, as enacted by PL 1995, c. 2, §5, is amended to read:

**§4773. Repeal**

This chapter is repealed on ~~August 1, 1996~~ November 1, 1997.

See title page for effective date.

**CHAPTER 662**

**S.P. 753 - L.D. 1866**

**An Act to Improve the Child Development Services System**

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

**Sec. 1. 20-A MRSA §7727, sub-§2**, as amended by PL 1993, c. 625, §3, is further amended to read:

**2. Plan.** The department shall submit the State's plan for meeting the requirements of the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq., to the Federal Government. The State's plan may not require services that exceed minimum federal requirements.

**Sec. 2. 20-A MRSA §7730**, as enacted by PL 1991, c. 843, §3, is amended to read:

**§7730. Regional site board of directors**

Each board of directors of a regional intermediate education unit or a private nonprofit corporation is responsible for governance of its activities, including the management and oversight of its general operations as established in section 7728. Membership must include representatives of the regional offices of the Department of Human Services and the Department of Mental Health and Mental Retardation, representatives of participating school administrative units, parents of infants and children with disabilities and other community members as determined appropriate. A regional site board member or a board member's employer may not, during the term for which the member serves on the board, derive any revenue from work performed for the Child Development Services System. A representative of a participating school administrative unit whose participation in the system is limited to work performed for the school administrative unit is exempt from the requirements of this section. Terms of membership and methods of appointment or election must be determined by board of directors bylaws, subject to approval of the department.

**Sec. 3. 20-A MRSA §7730-A** is enacted to read:

**§7730-A. Completion of term**

Notwithstanding section 7730, a board member serving on a regional site board and deriving revenue from work performed for the Child Development Services System on the effective date of this section may complete that board member's term of office.

**Sec. 4. 20-A MRSA §7731, sub-§2**, as enacted by PL 1991, c. 843, §3, is amended to read:

**2. Employees.** Employ qualified professional and other staff at the local site. The board of directors has the authority to hire, fire and supervise the staff of the regional site and to develop and adopt personnel policies for its employees; Professional therapists may be employed as site staff when the board and the state intermediate education unit find that:

A. Site staff therapists are needed to perform evaluations of children to ensure appropriate service plans;

B. Therapists serving children on a contractual basis are unable to provide required services within timelines mandated by the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq.; or

C. Site staff therapists are able to provide services comparable to those provided by contract therapists at an identifiable savings to the Child

Development Services System, as determined by the commissioner;

**Sec. 5. 20-A MRSA §7732-A, sub-§§8 and 9,** as enacted by PL 1993, c. 625, §10, are amended to read:

**8. Designate personnel for training.** Designate local personnel for training to commit funds for free, appropriate public education. Personnel who commit funds for free, appropriate public education must be trained and certified by the state intermediate educational unit. The board of directors shall determine which trained and certified personnel may commit funds; ~~and~~

**9. Targeted case management.** Following certification by the Bureau of Medical Services within the Department of Human Services, seek reimbursement, whenever feasible, for targeted case management; ~~and~~

**Sec. 6. 20-A MRSA §7732-A, sub-§10** is enacted to read:

**10. Provider advisory board.** Establish an advisory board consisting of representatives of catchment area service providers to advise the regional board on matters related to the provision of services to children and families within the region. Provider advisory boards must be established subject to rules established by the commissioner. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

**Sec. 7. 20-A MRSA §7733, first ¶,** as amended by PL 1993, c. 625, §11, is further amended to read:

The Interdepartmental Coordinating Council for Early Intervention, as established in Title 5, section 12004-G, subsection 8-A, is established as an advisory body to the commissioner and the joint standing committee of the Legislature having jurisdiction over education and cultural affairs matters regarding the coordination of policies and programs aimed at implementing the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq. and 34 Code of Federal Regulations, 303.650 to 303.654, July 1993.

**Sec. 8. Review provision of mandated services; private insurance.** The Commissioner of Education shall establish a review committee to analyze the Maine Revised Statutes and rules adopted pursuant to the Maine Administrative Procedure Act and all federal laws and rules affecting the Child Development Services System, or "CDS," to determine which services provided by the system exceed the minimum federal requirements. The committee shall also analyze the use of private

insurance in paying for CDS services. The committee consists of one representative from the Department of Education, selected by the commissioner; one representative from the Interdepartmental Coordinating Council for Early Intervention, selected by the council; one CDS site director, selected by the site directors; one CDS board chair, selected by the board chairs; one service provider, selected by service providers; one parent of a child receiving CDS services, selected by the commissioner; one special education director employed by a school administrative unit, selected by the commissioner; one University of Maine System representative with expertise in special education, selected by the commissioner; one at-large representative, selected by the commissioner; and one Legislator appointed by the joint standing committee of the Legislature having jurisdiction over education and cultural affairs matters. If the review committee determines that current services exceed the minimum federal requirements, the committee shall include in its report necessary legislation to amend state law and rules to conform to and not exceed the minimum federal requirements. The committee may also include recommendations concerning use of private insurance. The committee shall submit its findings to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs matters by December 15, 1996.

**Sec. 9. Review costs.** The Commissioner of Education, with assistance from the Interdepartmental Coordinating Council for Early Intervention, shall establish a method to determine the cost of employing one or more professional therapists as an employee of a local site. Costs include all costs for salary, benefits, administration, occupancy, phone, travel, supplies, postage, billing, clerical assistance and any other cost as determined by the commissioner. The commissioner shall submit these findings to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs matters by December 15, 1996.

**Sec. 10. Improve quality and consistency.** The Interdepartmental Coordinating Council for Early Intervention, with assistance from the Department of Education, the regional sites and other interested groups and individuals, shall review and make recommendations for improvements in quality and consistency of service to children, families, service providers and others who participate in the Child Development Services System. The council shall submit its findings and any recommendations to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs matters by December 15, 1996.

See title page for effective date.

---



---