

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the Second Regular Session of the 124th Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON EDUCATION AND
CULTURAL AFFAIRS**

April 2010

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STATE OF MAINE

124TH LEGISLATURE
SECOND REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the Second Regular Session of the 124th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

CARRIED OVER Carried over to a subsequent session of the Legislature
CON RES XXX..... Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE Committee of Conference unable to agree; bill died
DIED BETWEEN HOUSES..... House & Senate disagree; bill died
DIED IN CONCURRENCE..... One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT..... Action incomplete when session ended; bill died
EMERGENCY..... Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE..... Bill failed to get majority vote
FAILED MANDATE ENACTMENT..... Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died
INDEF PP Bill Indefinitely Postponed; bill died
ONTP (or Accepted ONTP report) Ought Not To Pass report accepted; bill died
P&S XXX..... Chapter # of enacted Private & Special Law
PUBLIC XXX..... Chapter # of enacted Public Law
RESOLVE XXX..... Chapter # of finally passed Resolve
UNSIGNED..... Bill held by Governor
VETO SUSTAINED Legislature failed to override Governor's Veto

The effective date for non-emergency legislation enacted in the Second Regular Session of the 124th Legislature is Monday, July 12, 2010. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Education and Cultural Affairs

House Amendment "A" To Committee Amendment "A" (H-800)

This amendment authorizes the dissolution of the Otis-Mariaville Union School in accordance with the terms of the Otis-Mariaville Union School Agreement, rather than the subsequently enacted provisions of the Maine Revised Statutes, Title 20-A, chapter 109.

Enacted Law Summary

Public Law 2009, chapter 616 allows a school administrative unit to establish innovative schools with flexibility in instruction design, staff selection, the school calendar, methods for assessing professional development and a system for assessing student achievement. The law requires that all applicable state statutory and regulatory requirements be met by school administrative units that establish innovative schools. Chapter 616 also authorizes the dissolution of the Otis-Mariaville Union School in accordance with the terms of the Otis-Mariaville Union School Agreement, rather than the subsequently enacted provisions of the Maine Revised Statutes, Title 20-A, chapter 109.

Public Law 2009, chapter 616 was enacted as an emergency measure effective April 7, 2010.

LD 1804

An Act Concerning Certain MaineCare Rules Regarding Services Provided through the Child Development Services System and School Administrative Units

**PUBLIC 643
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM	S-497 S-543 DIAMOND

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

Committee Amendment "A" (S-497)

This amendment replaces the bill to establish parameters for the adoption or amendment of MaineCare program rules regarding reimbursement payments for eligible services provided through the auspices of the Child Development Services System and school administrative units. The amendment provides that:

1. The Department of Health and Human Services, Office of MaineCare Services shall consult with the Department of Education and other interested parties prior to the adoption or amendment of any Medicaid rule that pertains to special education and related services that are provided in accordance with the federal Individuals with Disabilities Education Act;
2. The Department of Health and Human Services, Office of MaineCare Services shall prepare a monthly report to the joint standing committee of the Legislature having jurisdiction over education matters and the joint standing committee of the Legislature having jurisdiction over health and human services matters on the status of any proposed adoption or amendment of Medicaid program rules that pertain to special education and related services that are provided in accordance with the federal Individuals With Disabilities Education Act;
3. The Department of Health and Human Services is required to amend or adopt Medicaid program rules to provide for the inclusion of a group of interested parties in the MaineCare Advisory Committee;
4. The Department of Health and Human Services and the Department of Education are required to review the Department of Health and Human Services Chapter 101 rules, including, but not limited to, the MaineCare Benefits

Joint Standing Committee on Education and Cultural Affairs

Manual, Chapters II and III, Sections 28, 41, 65, 68, 85, 96 and 109, in order to ensure that the rules satisfy certain federal Medicaid requirements and to ensure continued access by Child Development Services System regional sites and schools to Medicaid payment for services that qualify for reimbursement; and

5. The Commissioner of Education and the Commissioner of Health and Human Services are required to submit interim reports and a final report on the status of the rules review to the joint standing committee of the Legislature having jurisdiction over education matters and the joint standing committee of the Legislature having jurisdiction over health and human services matters.

This amendment also adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-543)

This amendment removes the appropriations and allocations section.

Enacted Law Summary

Public Law 2009, chapter 643 establishes parameters for the adoption or amendment of MaineCare program rules regarding reimbursement payments for eligible services provided through the auspices of the Child Development Services System and school administrative units. This law accomplishes the following:

1. It requires the Department of Health and Human Services, Office of MaineCare Services to consult with the Department of Education and other interested parties prior to the adoption or amendment of any Medicaid rule that pertains to special education and related services that are provided in accordance with the federal Individuals with Disabilities Education Act.
2. It requires the Department of Health and Human Services, Office of MaineCare Services to prepare a monthly report to the joint standing committee of the Legislature having jurisdiction over education matters and the joint standing committee of the Legislature having jurisdiction over health and human services matters on the status of any proposed adoption or amendment of Medicaid program rules that pertain to special education and related services that are provided in accordance with the federal Individuals With Disabilities Education Act.
3. It requires the Department of Health and Human Services to amend or adopt Medicaid program rules to provide for the inclusion of a group of interested parties in the MaineCare Advisory Committee.
4. It requires the Department of Health and Human Services and the Department of Education to review the Department of Health and Human Services Chapter 101 rules, including, but not limited to, the MaineCare Benefits Manual, Chapters II and III, Sections 28, 41, 65, 68, 85, 96 and 109, in order to ensure that the rules satisfy certain federal Medicaid requirements and to ensure continued access by Child Development Services System regional sites and schools to Medicaid payment for services that qualify for reimbursement.
5. It requires the Commissioner of Education and the Commissioner of Health and Human Services to submit interim reports and a final report on the status of the rules review to the joint standing committee of the Legislature having jurisdiction over education matters and the joint standing committee of the Legislature having jurisdiction over health and human services matters.

Public Law 2009, chapter 643 was enacted as an emergency measure effective April 12, 2010.