

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out everything after the title and before the summary 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,** legal requirements regarding the educational needs of children who are blind or visually impaired are not currently being met; 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 enacted by the People of the State of Maine as follows:**

**Sec. 1. 26 MRSA §1418-D, sub-§2,** as enacted by PL 1995, c. 560, Pt. F, §13, is amended to read:

**2. Department of Education input; school administrative units.** The division shall ensure that the Department of Education has input into any contract to provide educational services and delivery of those services to blind or visually impaired children from birth to 20 years of age. Educational services that are required by federal law to be provided to blind or visually impaired children from birth to 20 years of age must take precedence over services provided to blind or visually impaired adults. Nothing in this section relieves school administrative units from fulfilling their responsibilities under Title 20-A, Part 4, subpart 1.

**Sec. 2. Department of Labor; lapsed balances.** Notwithstanding any other provision of law, \$13,963 of unencumbered balance forward from the Department of Labor, Governor's Training Initiative Program, General Fund account, All Other line category lapses to the General Fund no later than June 30, 2012.

**Sec. 3. Appropriations and allocations.** The following appropriations and allocations are made.

**LABOR, DEPARTMENT OF**

**Blind and Visually Impaired - Division for the 0126**

Initiative: Allocates one-time funds transferred from the Department of Education to support the cost of 2 Certified Teacher of Visually Impaired contracted positions to provide direct services to children in the classroom in fiscal year 2011-12 only.

**FEDERAL EXPENDITURES FUND**

**2011-12**

**2012-13**

All Other	\$40,000	\$0
FEDERAL EXPENDITURES FUND TOTAL	<hr/>	<hr/>
	\$40,000	\$0

**Blind and Visually Impaired - Division for the 0126**

Initiative: Provides ongoing funds for 2 Certified Teacher of Visually Impaired contracted positions to provide direct services to children in the classroom beginning in fiscal year 2012-13.

<b>GENERAL FUND</b>	<b>2011-12</b>	<b>2012-13</b>
All Other	\$0	\$158,820
GENERAL FUND TOTAL	<hr/>	<hr/>
	\$0	\$158,820

**Blind and Visually Impaired - Division for the 0126**

Initiative: Provides ongoing funds for one Orientation and Mobility Specialist position and related All Other effective May 1, 2012 to provide instruction in safe and independent travel to children and adults.

<b>GENERAL FUND</b>	<b>2011-12</b>	<b>2012-13</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$10,630	\$66,312
All Other	\$3,333	\$5,000
GENERAL FUND TOTAL	<hr/>	<hr/>
	\$13,963	\$71,312

**Blind and Visually Impaired - Division for the 0126**

Initiative: Provides ongoing funds for one Blindness and Rehabilitation Specialist position and related All Other effective July 1, 2012 to provide case management services for children.

<b>GENERAL FUND</b>	<b>2011-12</b>	<b>2012-13</b>
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$63,783
All Other	\$0	\$7,500
GENERAL FUND TOTAL	<hr/>	<hr/>
	\$0	\$71,283

**Blind and Visually Impaired - Division for the 0126**

Initiative: Provides ongoing funds for 2 Vision Rehabilitation Therapist contracted positions beginning in fiscal year 2012-13 to teach independent living and job readiness skills to certain transition-age students, working-age adults and seniors.

<b>GENERAL FUND</b>	<b>2011-12</b>	<b>2012-13</b>
All Other	\$0	\$136,848
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$136,848</b>

**Blind and Visually Impaired - Division for the 0126**

Initiative: Provides funds for one half-time Orientation and Mobility Specialist position to work with children and adults in the classroom and in the community to provide instruction in safe and independent travel.

<b>FEDERAL EXPENDITURES FUND</b>	<b>2011-12</b>	<b>2012-13</b>
POSITIONS - LEGISLATIVE COUNT	0.500	0.500
Personal Services	\$6,065	\$37,657
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$6,065</b>	<b>\$37,657</b>

<b>LABOR, DEPARTMENT OF</b>		
<b>DEPARTMENT TOTALS</b>	<b>2011-12</b>	<b>2012-13</b>
GENERAL FUND	\$13,963	\$438,263
FEDERAL EXPENDITURES FUND	\$46,065	\$37,657
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$60,028</b>	<b>\$475,920</b>

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

**SUMMARY**

This amendment replaces the bill and:

1. Provides funding for 2 Certified Teacher of Visually Impaired contracted positions. Funding for fiscal year 2011-12 is provided through a transfer of federal funds from the Department of Education to the Department of Labor. Beginning in fiscal year 2012-13, funding for the contracted positions is provided through General Fund appropriations;

2. Provides funding for 2 Vision Rehabilitation Therapist contracted positions beginning in fiscal year 2012-13 to teach independent living and job readiness skills;

3. Establishes one full-time and one half-time Orientation and Mobility Specialist position within the Department of Labor, Division for the Blind and Visually Impaired to provide instruction in safe and independent travel to children and adults; and

4. Establishes one Blindness and Rehabilitation Specialist position within the Division for the Blind and Visually Impaired beginning in fiscal year 2012-13 to provide case management services.

The amendment directs the Department of Labor and the Department of Education to work together to develop contracts to provide educational services and clarifies that educational services required by federal law to be provided to blind and visually impaired children from birth to 20 years of age take precedence over such services provided to blind or visually impaired adults.

The amendment adds an emergency preamble and emergency clause.

**FISCAL NOTE REQUIRED**

**(See attached)**