

APPROVED
MARCH 25, 2019
BY GOVERNOR

CHAPTER
8
RESOLVES

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND NINETEEN

H.P. 84 - L.D. 98

Resolve, Regarding Legislative Review of Portions of Chapter 122: Grant Application and Award Procedure: Fund for the Efficient Delivery of Educational Services, a Major Substantive Rule of the Department of Education

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 122: Grant Application and Award Procedure: Fund for the Efficient Delivery of Educational Services, a provisionally adopted major substantive rule of the Department of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A within the rule acceptance period, is authorized only if the following changes are made.

1. The rule must be amended in Section 5 as follows: the scoring of the applicant's capacity in Section 4, subsection 2, paragraphs A and B will make up 20% of the total score; the scoring of the programmatic criteria in Section 4, subsection 2 will make up 50% of the total score; the scoring of the budget and budget criteria in Section 4,

subsection 3 will make up 25% of the total score; and the scoring of priority areas referred to in Section 4, subsection 4 will make up 5% of the total score.

2. The rule must be amended in Section 6, subsection 2 by providing that an applicant or partner who receives a grant award from the fund in a given fiscal year is not eligible to apply for another grant award from the fund until one fiscal year after the end of the program, function or service funded by the initial grant, and any subsequent application from that applicant or partner must be for a new program, service or function that was not funded by the previous award from the fund.

3. The rule must be amended in Section 6 by adding a subsection on the replication of grants that provides that the replication of a project of similar scope or service previously funded by an award from the fund is permissible by a new applicant and partners.

The Department of Education is not required to hold hearings or undertake further proceedings prior to the final adoption of the rule in accordance with this section.

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