

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1613

H. P. 1186

House of Representatives, March 17, 1971

Referred to Committee on State Government. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Martin of Eagle Lake.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT to Create the Department of Human Services.

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

Sec. 1. R. S., T. 5, Part 10, additional. Title 5 of the Revised Statutes is amended by adding a new Part 10 to read as follows:

PART 10

DEPARTMENT OF HUMAN SERVICES

CHAPTER 317

DEPARTMENT OF HUMAN SERVICES

§ 3501. Department; secretary

There is created and established the Department of Human Services, hereinafter in this chapter called the "department," to maximize the human capabilities of the people of the State of Maine by developing, organizing and applying the health, medical and social services for the prevention or amelioration of conditions disadvantageous to the achievement of individual, group or community potentials. The department shall consist of the Departments of Health and Welfare and Mental Health and Corrections, as heretofore created and established.

In addition to other programs and responsibilities imposed by law, the department shall have general supervision, management and control of the research and planning, grounds, buildings and property, officers and employees and patients and inmates of all of the following state institutions: The hospitals for the mentally ill, Pineland Hospital and Training Center, the

Maine State Prison, the Men's Correctional Center and the Women's Correctional Center, the juvenile institutions, the Military and Naval Children's Home and the Regional Care Facility for the Severely and Profoundly Mentally Retarded at Bangor and such other charitable and correctional state institutions as may be created from time to time. All orders of commitment, medical and administrative records in the department are held to be confidential. Such records may be subpoenaed by a court of record. The department shall be charged with the enforcement of all laws concerning the aforesaid institutions, except in such cases where specific duties are given elsewhere.

The department shall be under the control and supervision of a Secretary of Human Services who shall be appointed by the Governor, with the advice and consent of the Council, to serve at the pleasure of the Governor, hereinafter in this chapter and in Titles 22 and 34 called the "secretary". Said secretary shall organize and from time to time reorganize the department into such bureaus and divisions as may be required to carry out the work of the department. He may employ, subject to the Personnel Law, such bureau and division heads, institutional heads and other employees as may be necessary to carry out the work of the department.

The secretary may employ, subject to the Personnel Law, a Director of Health who shall be a physician who is schooled in sanitary science and experienced in the organization and administration of public health work and a Director of Social Welfare who shall be a person who has been trained in a school for social work or in equivalent college or university courses in the social sciences, or who has had satisfactory experience in the direction of organized social welfare work of a comparable nature.

Wherever in this chapter or in Titles 22 or 34 powers and duties are given to the department, these may be and shall be assumed and carried out by such of the institutional or bureau heads as the secretary may designate from time to time, and these powers and duties so delegated may in turn be delegated by the said institutional or bureau heads with the approval of the secretary.

In the case of a sudden death of any patient or inmate in any institution under the control of the department, under circumstances of reasonable suspicion, an examination and inquest shall be held as in other cases, and the superintendent or department shall cause a medical examiner to be immediately notified for that purpose.

The department is authorized and empowered to accept for the State any federal funds appropriated under federal law relating to mental health, mental illness or mental retardation of the juvenile offender and to do such acts as are necessary for the purpose of carrying out such federal law and to accept from any other agency of government, individual, group or corporation such funds as may be available in carrying out the provisions contained herein. The department is authorized to apply for and receive federal funds under the Housing Act of 1954, Public Law 560, Title 7.

§ 3502. Deputy secretaries

Subject to the Personnel Law, the secretary may appoint a first deputy secretary, and may appoint one or more additional deputies.

The deputies shall perform such duties and exercise such powers of the secretary as the secretary may from time to time authorize. The first deputy shall be acting secretary during a vacancy in the office of Secretary of Human Services or during the incapacity of the secretary.

Sec. 2. R. S., T. 22, § 1, repealed. Section 1 of Title 22 of the Revised Statutes, as amended, is repealed.

Sec. 3. R. S., T. 34, § 1, repealed. Section 1 of Title 34 of the Revised Statutes, as amended, is repealed.

Sec. 4. R. S., T. 34, § 526, amended. The last sentence of section 526 of Title 34 of the Revised Statutes, as enacted by chapter 20 of the public laws of 1967, is amended to read as follows:

In the event of vacancy in both the office of the ~~commissioner~~ secretary and the office of the ~~Director of Mental Health~~ first deputy Secretary of Human Services, or during the absence or disability of both of said officials, the director shall perform such duties and have the same powers as provided by law for the ~~commissioner~~ secretary.

Sec. 5. R. S., T. 34, § 2002, amended. The last paragraph of section 2002 of Title 34 of the Revised Statutes is amended to read as follows:

It shall be the duty of the director to carry out the purposes of the bureau and, in the event of vacancy in both the office of the ~~commissioner~~ secretary and the office of the first deputy Secretary of Human Services, or during ~~his~~ the absence or disability of both of said officials, the director shall perform such duties and have the same powers as provided by law for the ~~commissioner~~ secretary.

Sec. 6. Amendatory clause. Wherever in Titles 22 or 34 of the Revised Statutes the word "commissioner" appears, it shall mean "secretary," to wit the Secretary of Human Services, and wherever in said Titles the word "department" appears it shall mean the Department of Human Services, and wherever in the Revised Statutes the words "Commissioner of Health and Welfare" or "Commissioner of Mental Health and Corrections" appear they shall mean "Secretary of Human Services" and wherever in the Revised Statutes the words "Department of Health and Welfare" or "Department of Mental Health and Corrections" appear they shall mean "Department of Human Services."

Sec. 7. Transfer. On the effective date of sections 1, 2 and 3 of this Act, all personnel, funds, records, equipment and property of the Departments of Health and Welfare and Mental Health and Corrections shall be transferred to the Department of Human Services and all contracts or other liabilities of said departments shall be assumed by the new department.

Sec. 8. Effective date. This Act shall become effective July 1, 1973; however, the authority to appoint a secretary enacted in section 1 shall be effec-

tive 91 days after adjournment of the Legislature and he shall be responsible for departmental budget planning, preparation and submission for the 1973-75 biennium.

STATEMENT OF FACT

The legislation provides for bringing together the present Departments of Health and Welfare and Mental Health and Corrections. Unified administration should bring increased efficiency in administrative expenses and services and better coordination of programs and responsibilities.