

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1599

S. P. 512

In Senate, March 27, 1973

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Speers of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT to Reorganize the Departments of Health and Welfare and Mental Health and Corrections.

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

Sec. 1. R. S., T. 2, § 6, sub-§ 1, amended. Subsection 1 of section 6 of Title 2 of the Revised Statutes, as amended by section 1 of chapter 531 of the public laws of 1971, is further amended to read as follows:

1. The salaries of the following state officials and employees to no more than \$23,500:

Chairman of the Highway Commission;
Commissioner of Economic Development;
Commissioner of Finance and Administration;
~~Commissioner of Health and Welfare;~~
~~Commissioner of Mental Health and Corrections;~~
Commissioner of Human Services;
Commissioner of Education.

Sec. 2. R. S., T. 22, § 1, repealed and replaced. Section 1 of Title 22 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

§ 1. Department; organization

There is created and established the Department of Human Services, hereinafter in this Title and Title 34 called the "department" to consist of the previous Department of Health and Welfare, Department of Mental Health and Corrections, the Committee on Children and Youth, the Governor's Ad-

visory Council on the Status of Women, the Committee on Aging and the Maine Commission on Drug Abuse. The department shall be under the control and supervision of the Commissioner of Human Services, hereinafter in this Title and Title 34 called the "commissioner", who shall be appointed by the Governor with the advice and consent of the Council, for a term coterminous with the Governor, subject to removal for cause by the Governor and Council. He may appoint a deputy commissioner and employ such bureau and division heads, deputies, assistants and employees, subject to the Personnel Law, except as otherwise specifically provided, as may be necessary to carry out the work of the department. They shall have such duties and responsibilities as are assigned to them by the commissioner. During the absence or disability of the commissioner, or in the case of vacancy in the office of commissioner, the deputy commissioner shall have the same powers and duties as provided by law for the commissioner.

The Department of Human Services shall be the successor in every way to the powers, duties, rights and functions of the former Departments of Health and Welfare and Mental Health and Corrections.

The department shall be composed of such bureaus and divisions as are now existing in the Department of Health and Welfare and Department of Mental Health and Corrections. They shall have all legal authority and powers of the former bureaus and divisions.

The commissioner shall cooperate with the appropriate federal agencies, and shall have the full power and authority to do all acts or things necessary or required to be done to receive and administer federal funds in support of programs within the department. The department is designated as the sole agency for administering and supervising such federal funds.

Sec. 3. R. S., T. 34, § 1, amended. The first, 2nd and 3rd sentences of the 2nd paragraph of section 1 of Title 34 of the Revised Statutes are repealed.

Sec. 4. R. S., T. 34, § 1, amended. The 4th sentence of the 2nd paragraph of section 1 of Title 34 of the Revised Statutes, as amended by section 2 of chapter 350 of the public laws of 1971, is further amended to read as follows: ~~Said~~ The commissioner shall have the power to appoint institutional heads as shall be necessary for the proper performance of the duties of said department; such appointments shall be subject to the Personnel Law, except as otherwise provided in this Title.

Sec. 5. R. S., T. 34, § 2421, sub-§ 2, repealed. Subsection 2 of section 2421 of Title 34 of the Revised Statutes is repealed.

Sec. 6. **Amendatory clause.** Whenever in the Revised Statutes or laws there is a reference to the "department" (in the context of a reference to either the Department of Mental Health and Corrections or Department of Health and Welfare), "Department of Mental Health and Corrections," "Department of Health and Welfare," "Health and Welfare," "Department of Health and Welfare of the State of Maine," "State Department of Health and Welfare," or to actions by any, the words shall mean the "Department of Human Services."

Sec. 7. Amendatory clause. Wherever in the Revised Statutes or laws there is a reference to the "Commissioner of Mental Health and Corrections," "Commissioner of Health and Welfare," "Commissioner" (in the context of a reference to either the Commissioner of Mental Health and Corrections or the Commissioner of Health and Welfare), those words shall mean the "Commissioner of Human Services."

Sec. 8. Amendatory clause. Wherever in Titles 22 or 34 of the Revised Statutes there is a reference to "this Title," "Title," "under this Title," the reference shall be deemed to refer to both Titles 22 and 34.

Sec. 9. Transitional provisions.

1. **Commitments, imprisonment, parole, release or discharge of prisoners or inmates.** Nothing in this Act is intended or shall be construed to alter in any way or in any manner or affect the validity of the commitment, imprisonment, probation, parole, release or discharge of any and all prisoners, inmates or persons to, by or of any of the departments, bureaus, divisions, institutions or other administrative units or offices affected by this Act, or to alter the rules and regulations thereof, except as specifically provided in this Act. Persons committed to the custody of any official, officer or employee of the former Departments of Health and Welfare and Mental Health and Corrections shall be deemed committed to the Commissioner of Human Services or his designee. In the event it is determined necessary to recommit any person, the Commissioner of Human Services shall have the authority to do and perform all acts necessary to secure such recommitment.

2. **Rules, regulations and procedures.** All existing regulations in effect, in operation, or promulgated in or by the Departments of Health and Welfare and Mental Health and Corrections, or in or by any bureau, division, institution, administrative unit or officer thereof are hereby declared lawful and in effect and shall continue in effect until rescinded, revised or amended. "Regulation" shall include, but is not limited to, any regulation, rule, order, administrative procedure, policy, determination, directive, authorization, permit, license, privilege, requirement, designation or agreement.

3. **Personnel.** All employees and institutional heads of the former Departments of Health and Welfare and Mental Health and Corrections are transferred to the Department of Human Services.

Sec. 10. Funds and equipment transferred. Notwithstanding the Revised Statutes, Title 5, section 1585, all accrued expenditures, assets, liabilities, balances of appropriations, transfers, revenues or other available funds in the account or subdivision of an account, of any agency to be reallocated to another department strictly as a result of the reorganization effort, shall be transferred to the proper place in the new structure by the State Controller, upon recommendation of the department head, the State Budget Officer and upon approval by the Governor and Executive Council.

STATEMENT OF FACT

This legislation reorganizes the Departments of Health and Welfare and Mental Health and Corrections into a Department of Human Services. The

existing bureaus of each department are retained and no substantive changes are made in the statutes relating to the powers and duties of either department. The method of appointment of bureau and institutional heads and other such officials will remain unchanged. The new department will succeed to all the powers and duties of the former two departments. The Commissioner of the Department of Human Services will be appointed by the Governor with the advice and consent of the Council for a term coterminous with that of the Governor.