

# MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2532

H. P. 1983

House of Representatives, February 26, 1974

On motion of Mr. Finemore of Bridgewater referred to the Committee on State Government. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Martin of Eagle Lake.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FOUR

**AN ACT** Relating to the Office of Maine's Elderly and the Priority Social Services Program.

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

**Sec. 1.** R. S., T. 22, Subtitle 4, amended. The first 4 lines of Subtitle 4 of Title 22 of the Revised Statutes, as enacted by section 1 of chapter 630 of the public laws of 1973, are amended to read as follows:

**SUBTITLE 4. MAINE'S ELDERLY HUMAN SERVICES**

**PART 1**

**MAINE'S ELDERLY**

**CHAPTER 145I**

**GENERAL PROVISIONS**

**Sec. 2.** R. S., T. 22, § 5104, sub-§§ 1-A - 1-B, additional. Section 5104 of Title 22 of the Revised Statutes, as enacted by section 1 of chapter 630 of the public laws of 1973, is amended by adding 2 new subsections to read as follows:

**1-A. Agreement.** "Agreement" means a legally binding document between 2 parties including such documents as are commonly referred to as accepted application, proposal, prospectus, contract, grant, joint or cooperative agreement or purchase of service.

**1-B. Committee.** "Committee" means the Maine Committee on Aging.

**Sec. 3. R. S., T. 22, § 5104-A, additional.** Title 22 of the Revised Statutes is amended by adding a new section 5104-A to read as follows:

**§ 5104-A. State agencies to cooperate**

State agencies shall cooperate fully with the office and committee in carrying out this Part. The office and committee are authorized to request such personnel, financial assistance, facilities and data as are reasonably required to assist the office and committee to fulfill their powers and duties.

State agencies proposing to develop, establish, conduct or administer programs or to assist programs relating to this Part shall, prior to carrying out such actions, consult with the office to conduct such action. State agencies administering such programs shall cooperate fully with the office in conducting such activities.

All agencies of State Government shall advise the office of their proposed fiscal activities relating to this Part, especially budget requests and expenditures, concurrently with their submission to the Budget Officer or to the Governor. All agencies of State Government, concurrent with submission to that agency's approval authority, shall advise the office of proposed legislation, fiscal activities and administrative activities relating to older people. No such action shall be taken related to older people without approval provided by the office with the advice of the committee. State agencies, in the implementation of their activities relating to this Part, shall keep the office fully informed of their progress and of any proposed changes in fiscal matters and policy.

**Sec. 4. R. S., T. 22, c. 1453, amended.** The 2nd line of chapter 1453 of Title 22 of the Revised Statutes, as enacted by section 1 of chapter 630 of the public laws of 1973, is amended to read as follows:

**~~DESIGNATION OF THE OFFICE OF MAINE'S ELDERLY~~**

**Sec. 5. R. S., T. 22, §§ 5105 and 5106, repealed and replaced.** Section 5105 and 5106 of Title 22 of the Revised Statutes, as enacted by section 1 of chapter 630 of the public laws of 1973, are repealed and the following enacted in place thereof:

**§ 5105. Office of Maine's elderly**

There shall be within the Department of Health and Welfare the Office of Maine's Elderly. It shall be a separate, distinct administrative unit, which shall not be integrated in any way as a part or function of any other administrative unit of the department. It shall be equal in organizational level and status with other major organizational units within the department or its successors. The office shall be under the immediate and full supervision, direction and control of the commissioner or the chief office of whatsoever unit shall succeed the department.

It is the intent of this Part that the office shall function as a central office administrative unit of the department with the advice of the committee, and that the powers, duties, authority and responsibility of the office shall not be delegated, decentralized or assigned to regional, local or other units of the

department, except as provided in this section and section 5112. Regarding any portion of this Part which relates to development, execution and monitoring of agreements, the office shall carry out its powers and duties directly with public or private, nonprofit agencies without acting through other administrative units of the department as intermediaries. Functions relating to agreements shall not require the approval of any other unit of the department, except as the office is responsible and accountable to the commissioner, and except as the office shall function with the advice of the committee pursuant to section 5112, and with the advice of the appropriate agency designated pursuant to section 5116, subsection 1, paragraph B.

The office shall be the sole agency of State Government responsible for administration of this Part, subject to the direction of the commissioner. The office shall fully coordinate with appropriate agencies of State Government, and shall fully utilize existing support services.

The office shall be administered by a director, who shall be appointed, subject to the Personnel Law under classified service, by the commissioner after consultation with the committee. The director shall be a person qualified by training and experience with the status of Maine's elderly and programs relating to them or who has had satisfactory experience of a comparable nature in the direction, organization and administration of programs affecting older persons. The director shall be immediately and fully responsible to the commissioner and shall not be partially or indirectly responsible to any other official of the department.

The director shall serve full time in a position that is separate from and not integrated in any way with another position in the department. He shall not concurrently hold another title and shall perform duties solely germane to the powers and duties of the office pursuant to this Part.

The director shall possess full authority and responsibility for administering all the powers and duties of the office provided in section 5106, with the advice of the committee pursuant to section 5112, subject to the direction of the commissioner, and except as otherwise provided by statute. The director shall assume and discharge all responsibilities vested in the office. He shall not in any case assign to another unit of the department which is not responsible to him any power or duty granted to the office by statute, or by rules, regulations or procedures adopted pursuant to this Part.

The director may employ, subject to the Personnel Law and within the limits of available funds, competent professional personnel and other staff necessary to carry out the purposes of this Part. He shall prescribe the duties of staff and assign a sufficient number of staff full time to the office to achieve its powers and duties. He may arrange to house staff or assign staff who are responsible to him to an area agency designated pursuant to section 5116, subsection 1, paragraph B. Such staff shall report solely and directly to the director. Staff shall not be housed in or assigned to any other organizational unit of the department except as provided by sections 5104-A and 5111.

#### § 5106. Powers and duties

The office shall establish in accord with the purposes and intent of this Part, with the advice of the committee and subject to the direction of the

commissioner, the overall planning, policy, objectives and priorities for all functions and activities relating to Maine's elderly, which are conducted or supported in the State of Maine. Activities to be included, but to which the office shall not be limited, are those relating to education, employment and vocational services, income, health, housing, transportation, community, social and rehabilitation services for older people and programs such as the supplemental security income program, Medicare, Medicaid, property tax refunds and the setting of standards for the licensing of nursing, intermediate care and boarding homes. In order to carry out the above, the office shall have the power and duty to:

1. Encourage and assist development of more coordinated use of existing and new resources and services relating to Maine's elderly;

2. Develop and maintain an up-to-date information system related to Maine's elderly. The information shall be available for use by the people of Maine, the political subdivisions, public and private nonprofit agencies and the State. Educational materials shall be prepared, published and disseminated. Objective devices and research methodologies shall be continuously developed. Maintaining statistical information through uniform methods which are reasonably feasible and economically efficient shall be specified for use by public and private agencies, organizations and individuals. Existing sources of information shall be used to the fullest extent possible, while maintaining confidentiality safeguards of state and federal law. Information may be requested and shall be received from any State Government or public or private agency. To the extent reasonable and feasible, information shall maintain compatibility with federal information sharing standards.

Functions of the elderly information system shall include, but not be limited to:

A. Conducting research on the causes and nature of problems relating to elderly people;

B. Collecting, maintaining and disseminating such knowledge, data and statistics related to elderly persons as will enable the office to fulfill its responsibilities;

C. Determining through a detailed survey the extent of problems relating to elderly persons and the needs and priorities for solving such problems in the State and political subdivisions;

D. Maintaining an inventory of the types and quantity of facilities, programs and services operated under public or private auspices for elderly people. This function shall include: The unduplicated count, location and characteristics of people served by each facility, program or service; and the amount, type and source of resources supporting functions related to the elderly;

E. Conducting a continuous evaluation of the impact, quality and value of facilities, programs and services, including their administrative adequacy and capacity. Activities operated by or with the assistance of the State and

Federal Governments shall be evaluated. Included shall be activities as authorized by this and so much of the several Acts and amendments to them enacted by the people of the State of Maine, and those authorized by United States Acts and amendments to them, such as the:

- (1) Elderly Householders Tax and Rent Refund Act of 1971;
- (2) Priority Social Services Act of 1973;
- (3) Chapter 470 of the public laws of 1969 creating the State Housing Authority;
- (4) U. S. Social Security Act of 1935;
- (5) U. S. Housing Act of 1937;
- (6) U. S. Older Americans Act of 1965; and
- (7) U. S. Age Discrimination Act of 1967;

3. Assist, with the advice of the committee, the Legislative and Executive Branches of State Government, especially the Governor, commissioner and Bureau of the Budget, to coordinate all State Government efforts relating to elderly people, by:

A. Submitting to each branch of State Government no later than September 1st of each year an annual report covering its activities for the immediately past fiscal year and future plans, including recommendations for changes in state and federal laws, and including reports of the committee;

B. Reviewing all proposed legislation, fiscal activities, plans, policies and other administrative functions relating to older people made by or requested of all state agencies. The office shall have the authority to submit to those bodies findings, comments and recommendations, which in the case of the Legislature, Governor and commissioner shall be advisory; and which in the case of other state agencies shall be binding. Such findings, comments and recommendations shall specify what modification in proposals or actions shall be taken to make proposed legislation, fiscal activities and administrative activities consistent with such policies and priorities;

C. Making recommendations to the respective branches of State Government related to improving the quality of life of older people and shall consult with and be consulted by all responsible state agencies regarding the policies, priorities and objectives of functions related to older people;

4. Prepare and administer a comprehensive state plan relating to older people, developed by the office with the advice of the committee and subject to the direction of the commissioner. The comprehensive state plan shall be implemented for the purpose of coordinating all activities and of assuring compliance with applicable state and federal laws and regulations and with the state plan relating to older people. Implementation of this duty shall mean that the office shall have the authority to supervise, through a review process, the preparation and administration of any portion of any state plan

relating to older people prepared and administered by any agency of State Government for submission to the Federal Government to obtain federal funding under federal legislation. Such state plans, or portions thereof, shall include, but not be limited to, all state plans dealing with education, employment and vocational services, income, health, housing, rehabilitation, social services, transportation and welfare.

The office shall advise the commissioner and Governor on preparation of and provisions to be included relating to older people;

5. Plan, establish and maintain necessary or desirable programs for individuals or groups of individuals. The office may use the full range of its powers and duties to serve older persons through indirect services provided by agreement and through direct services provided by state employees;

6. Function as the organizational unit of Maine State Government with sole responsibility for conducting and coordinating, with the advice of the committee and subject to the direction of the commissioner, programs authorized by this Part and to much of the several Acts, amendments and successors to them enacted by the people of the State of Maine and those authorized by the United States Acts, amendments and successors to them as relate to older people;

A. The 1973 Act of Maine's Elderly;

B. The Priority Social Service Act of 1973;

C. The United States Older Americans Act of 1965; and

D. The United States Social Security Act of 1935, including Title VI in its entirety.

The office is designated as the single agency of Maine State Government solely responsible for administering, subject to the direction of the commissioner, any state plans as may be required by the above Acts, and for administering programs of Acts of the State of Maine or United States relating to older people which are not the specific responsibility of another state agency under state or federal law;

7. Help communities mobilize their resources to benefit older people. The office shall provide or coordinate the provision of information, technical assistance and consultation to state, regional and local governments; and to public and private nonprofit agencies, institutions, organizations and individuals. The help shall be for the purpose of encouraging, developing and assisting with the initiation, establishment and administration of any plans, programs or services with a view to the establishment of a state-wide network of comprehensive, coordinated services and opportunities for older people.

Included in this duty is authority to coordinate the efforts and enlist the assistance of all public and private agencies, organizations and individuals interested in Maine's elderly. The support and assistance of interested persons in the community, particularly older people, shall be utilized to encourage older people to lead a life of value;

8. Seek and receive funds from the Federal Government and private sources to further its activities. Included in this function is authority to solicit, accept, administer, disburse and coordinate for the State in accordance with the intent, objectives and purposes of this Part; and within any limitation which may apply from the sources of such funds, the efforts to obtain and the use of any funds from any source to benefit older people. Any gift of money or property made by will or otherwise, and any grant or other funds appropriated, services or property available from the Federal Government, the State or any political subdivision thereof and from all other sources, public or private, may be accepted and administered. The office may do all things necessary to cooperate with the Federal Government or any of its agencies in making application for any funds. Included in this duty is authority to coordinate the disbursement of all state funds, or funds administered through agencies of State Government, appropriated or made available to benefit Maine's elderly. No fiscal transaction of the State, including encumbrance or disbursement, shall be made to benefit older people without approval of the office;

9. Enter into agreements necessary or incidental to the performance of its duties. Included is the power to make agreements with qualified community, regional and state level, private nonprofit and public agencies, organizations and individuals in this and other states to develop or provide facilities, programs and services for older people. Such agreements shall be executed only with agencies reviewed by the committee pursuant to section 5112, subsection 4, and the area agency pursuant to section 5116, subsection 1-B. The office may engage expert advisors and assistants, who may serve without compensation, or, to the extent funds may be available by appropriation, grant or allocation from a state department, the office may pay for such expert advisors or assistants;

10. Prepare, adopt, amend, rescind and administer, with the advice of the committee and subject to the direction of the commissioner, policies, priorities, procedures, rules and regulations to govern its affairs and the development and operation of facilities, programs and services. The office may adopt rules to carry out the powers and duties pursuant to this Part and in accordance with the purpose and objectives of this Part. It shall especially adopt such rules and regulations as may be necessary to define contractual terms, conditions of agreements and all other rules as are necessary for the proper administration of this Part. Such adoption, amendment and rescission shall be made as provided under the Administrative Code, Title 5, chapters 301 to 307;

11. Develop and implement, as an integral part of programs, an educational program. Assist in the development of, and cooperation with, educational programs for employees of state and local governments and businesses and industries in the State. Convene and conduct conferences of public and private nonprofit organizations concerned with the development and operation of programs for older people. Included shall be the power to sponsor in cooperation with the committee the Blaine House Conference on Aging and the Maine Three Quarter Century Club annual meeting;



12. Foster, develop, organize, conduct or provide for the conduct of training programs for persons in the field of serving older people;

13. Coordinate activities and cooperate with programs in this and other states for the common advancement of programs for older people;

14. Establish and maintain an office at the department's general headquarters;

15. Do other acts and exercise such other powers necessary or convenient to execute and carry out the purposes and authority expressly granted in this Part.

**Sec. 6. R. S., T. 22, § 5107, repealed.** Section 5107 of Title 22 of the Revised Statutes, as enacted by section 1 of chapter 630 of the public laws of 1973, is repealed.

**Sec. 7. R. S., T. 22, § 5108, repealed and replaced.** Section 5108 of Title 22 of the Revised Statutes, as enacted by section 1 of chapter 630 of the public laws of 1973, is repealed and the following enacted in place thereof:

**§ 5108. Committee**

There shall be the **Maine Committee on Aging** which shall consist of 15 members who shall be appointed by the Governor with the advice and consent of the Executive Council.

**Sec. 8. R. S., T. 22, § 5109, amended.** The first sentence of the 4th paragraph of section 5109 of Title 22 of the Revised Statutes, as enacted by section 1 of chapter 630 of the public laws of 1973, is amended to read as follows:

Members shall be eligible for reappointment for not more than ~~3 consecutive terms~~ **2 consecutive full terms of 3 years each** and may serve after the expiration of their terms until their successors have been appointed, qualified and taken office.

**Sec. 9. R. S., T. 22, § 5110, repealed.** Section 5110 of Title 22 of the Revised Statutes, as enacted by section 1 of chapter 630 of the public laws of 1973, is repealed.

**Sec. 10. R. S., T. 22, §§ 5111 and 5112, repealed and replaced.** Sections 5111 and 5112 of Title 22 of the Revised Statutes, as enacted by section 1 of chapter 630 of the public laws of 1973, are repealed and the following enacted in place thereof:

**§ 5111. Administrative authority**

The committee shall keep minutes of all meetings, including a list of people in attendance. Minutes of all meetings shall be sent forthwith to the Governor and leadership of the Legislature.

The committee is authorized to employ, subject to the Personnel Law, such staff as is necessary to carry out its objectives. The committee is authorized to employ consultants and contract for such projects as it deems necessary. The commissioner and the director, to the extent feasible and reasonable, shall make available to the committee such staff, facilities, equipment, sup-

plies, information and other assistance as it may reasonably require to carry out its activities.

Each member of the committee shall be entitled to receive \$25 per day for compensation of the time actually spent in the performance of his duties and may be reimbursed on the same basis as employees of state departments for the actual travel and other necessary expenses incurred in the performance of his duties. The committee is authorized to appoint subcommittees consisting of its own members and to allow guests of the committee to attend any and all meetings.

A majority of the committee members shall constitute a quorum for the purpose of conducting the business of the committee and exercising all the powers of the committee. A vote of the majority of the members present shall be sufficient for all actions of the committee.

#### § 5112. Powers and duties

The committee, in cooperation with the office, shall have the power and duty to:

1. Advise, consult and assist the Executive and Legislative Branches of State Government, especially the Governor, on activities of State Government related to older people. The committee shall be solely advisory in nature. The committee may make recommendations regarding any function intended to benefit older people. If findings, comments or recommendations of the committee vary from or are in addition to those of the office or department, such statements of the committee shall be sent to the respective branches of State Government as attachments to those submitted by the office or department. Recommendations may take the form of proposed budgetary, legislative or policy actions;

2. Serve as an advocate on behalf of older people promoting and assisting activities designed to meet at the national, state and community levels the problems of older people. The committee shall serve as an ombudsman on behalf of individual citizens and older people as a class in matters under the jurisdiction of Maine State Government. It shall be a spokesman on behalf of older people to the director, commissioner, Governor, Legislature, public-at-large and National Government;

3. Serve as the advisory committee on behalf of the State of Maine to the state agency relating to or as may be required by state or federal laws and regulations governing administration of programs authorized by this Part and so much of the several Acts, amendments and successors to them enacted by the people of the State of Maine and those authorized by the several United States Acts, amendments and successors to them as relate to older people:

- A. The Priority Social Services Act of 1973;

- B. The Elderly Householders Tax and Rent Refund Act of 1971;

- C. Chapter 470 of the public laws of 1969 creating the State Housing Authority;

D. The United States Older Americans Act of 1965; and

E. The United States Social Security Act, including Title VI in its entirety.

The committee shall advise regarding state and federal plans, policies, programs and other activities relating to the older people in Maine. The committee shall submit its recommendations and comments on the state plan, and any revisions thereof, and reports to the federal or state agencies. Statements at variance with or in addition to those of the office or the department shall be attached to the plan or reports upon submission by the office to agencies of the United States Government or to state agencies;

4. Serve, through a subcommittee of the committee consisting of 5 persons, including the chairman and 4 other members appointed by the chairman with the advice and consent of the Governor, as the review committee on behalf of the State of Maine responsible for analysis of proposals and submission of advisory recommendations to the director concerning the acceptability of proposals requesting award of state administered grant funds under those Acts enumerated in subsection 3 of section 5112; and, in order to insure coordination and prevent duplication of services, shall review and comment on, under its own initiative or at the request of any state or federal department or agency, any proposed agreement or agreements from any agency or organization within the State to a state or federal department or agency for assistance related to meeting the needs of older persons;

5. Review and evaluate, on a continuing basis in cooperation with the office for the purpose of determining the value and impact on the lives of older people, state and federal policies regarding Maine's elderly and programs and other activities affecting the elderly conducted or assisted by any state departments or agencies;

6. Inform the public in cooperation with the office, to develop a firm public understanding of the current status of the survival of Maine's elderly, including information on effective programs elsewhere in the State or nation, by collecting and disseminating information, conducting or commissioning studies and publishing the results thereof and by issuing publications and reports;

7. Provide public forums, including the conduct of public hearings, sponsorship of conferences, workshops and other such meetings to obtain information about, discuss, publicize the needs of and solution to problems of older people. The committee shall hold a state-wide Blaine House Conference on Aging at least every 2 years and may hold regional conferences and meetings. The committee shall be responsible for sponsoring, in cooperation with the office and in conjunction with such other conferences it may hold, the Maine Three Quarter Century Club's annual meeting;

8. Administer in accordance with current fiscal and accounting regulations of the State, and in accordance with the philosophy, objectives and authority of this Part, any funds appropriated for expenditure by the committee or any grants or gifts which may become available, accepted and re-

ceived by the committee; and make, to be included in the annual report of the office, an annual report which shall be submitted directly to the director, commissioner, Governor and Legislature not later than September 1st of each year concerning its work, recommendations and interests of the previous fiscal year and future plans; and shall make such interim reports as it deems advisable.

Sec. 11. R. S., T. 22, Subtitle 4, Part 1-A, additional. Subtitle 4 of Title 22 of the Revised Statutes is amended by adding a new Part 1-A, to read as follows:

**PART 1-A**  
**ADMINISTRATION**  
**CHAPTER 147I**  
**GENERAL PROVISIONS**

§ 5304. Definitions

For purposes of this Part and Part 2, unless the context otherwise indicates, the following words shall have the following meanings.

1. Agreement. "Agreement" means a legally binding document between 2 parties including such document as is commonly referred to as purchase of services, contract, grant or accepted proposal;
2. Commissioner. "Commissioner" means the Commissioner of the Department of Health and Welfare or his successors;
3. Council. "Council" means the Maine Human Services Council, Department of Health and Welfare;
4. Department. "Department" means the Maine Department of Health and Welfare;
5. Director. "Director" means the director, Office of Maine's Elderly, Department of Health and Welfare;
6. Human services. "Human services" means any facilities, functions, programs or services administered or supported, financially or otherwise, by State Government, including, but not limited to, the following services, except services to older people:
  - A. Children's, youth, family and social services;
  - B. Any service, health, medical care, rehabilitation or social welfare, administered or supported currently or in the future by the department; and
  - C. Any income maintenance, income supplement, public assistance, general assistance, welfare, donated food or food stamp program;
7. Household. "Household" means household as defined for purposes of the state income tax;

8. Household income. "Household income" means all income received by all persons of a household, as defined for income tax purposes, in a calendar year while members of the household;

9. Income. "Income" means the sum of Maine adjusted gross income determined in accordance with the Revised Statutes, Title 36, Part 8, the amount of capital gains excluded from adjusted gross income, alimony, support money, nontaxable strike benefits, the gross amount of any pension or annuity including railroad retirement benefits, all payments received under the Federal Social Security Act, State unemployment insurance laws and veterans disability pensions, nontaxable interest received from the Federal Government or any of its instrumentalities, workmen's compensation and the gross amount of "loss of time" insurance, cash public assistance and relief. It does not include gifts from nongovernmental sources or surplus foods or other relief in kind supplied by a governmental agency or property tax relief for the elderly;

10. Manager. "Manager" means the manager, office of Resource Development;

11. Nonprofit organization. "Nonprofit organization" as applied to any agency, institution or organization which is, or is owned and operated by one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual and which has a territory of operations that may extend to a neighborhood or community region or the State of Maine;

12. Office. "Office" means the Office of Resource Development, Department of Health and Welfare;

13. Office of Maine's Elderly. "Office of Maine's Elderly" means the Office of Maine's Elderly, Department of Health and Welfare;

14. Public. "Public" means municipal, county and other governmental bodies which are political subdivisions within the State of Maine;

15. Social services. "Social services" means any facilities, functions, programs or services administered or supported financially or otherwise, by State Government including, but not limited to, the following social services, except services to older people:

A. Any service listed in Part 2 of the March 1973 Report to the Appropriations Committee, pages 6 to 9, 106th Legislature, with recommendations to adopt basic policies to guide the appropriation of state funds for social services;

B. Any service designated as a priority social service pursuant to section 6110;

C. Any service commonly practiced under public or private auspices by registered social workers, professional social workers, human service workers and social workers.

**§ 5305. State agencies to cooperate**

State agencies shall cooperate fully with the office and council in carrying out this Part and Part 2. The office and council are authorized to request such personnel, financial assistance, facilities and data as are reasonably required to assist the office and council to fulfill their powers and duties.

State agencies proposing to develop, establish, conduct or administer programs or to assist programs relating to this Part and Part 2 shall, prior to carrying out such actions, consult with the office to obtain the approval of the office to conduct such action. State agencies administering such programs shall cooperate fully with the office in conducting such activities.

All agencies of State Government shall advise the office of their proposed fiscal activities relating to this Part and Part 2, especially budget requests and expenditures, concurrently with their submission to the Budget Officer or to the Governor. All agencies of State Government, concurrent with submission to that agency's approval authority, shall advise the office of proposed legislation, fiscal activities and administrative activities relating to human services. No such action shall be taken without approval of the office with the advice of the council. State agencies, in the implementation of their activities relating to this Part, shall keep the office fully informed of their progress and of any proposed changes in fiscal matters and policy.

**CHAPTER 1473****OFFICE OF RESOURCE DEVELOPMENT****§ 5308. Office of Resource Development**

There shall be within the Department of Health and Welfare the Office of Resource Development. It shall be a separate, distinct administrative unit, which shall not be integrated in any way as a part or function of any other administrative unit of the department. It shall be equal in organizational level and status with other major organizational units within the department or its successors. The office shall be under the immediate and full supervision of the commissioner or the chief officer of whatsoever unit shall succeed the department.

It is the intent of this Part that the office shall function as a central office administrative unit of the department with the advice of the council and that the powers, duties, authority and responsibility of the office shall not be delegated, decentralized or assigned to regional, local or other units of the department, except as provided in this section, section 5316 and section 6108. Regarding any portion of this Part and Part 2 which relate to provision of services directly to eligible people through staff employed subject to the Personnel Law by the department or other organizational units of State Government, the office may carry out its powers and duties through regional or other administrative units of the department or State Government.

Regarding any portion of this Part and Part 2 which relate to development, execution and monitoring of agreements, the office shall carry out its powers

and duties directly with public or private, nonprofit agencies without acting through other administrative units of the department as intermediaries, except as provided in section 6108. Functions relating to agreements shall not require the approval of any other unit of the department, except as the office is responsible and accountable to the commissioner, except as the office shall function with the advice and consent of the council pursuant to section 5316, and except as provided by section 6108.

The office shall be the sole agency of State Government responsible for administration of this Part and Part 2 subject to the direction of the commissioner. It shall fully coordinate with appropriate state agencies and fully utilize existing support services.

#### § 5309. Manager

The office shall be administered by a manager, who shall be appointed, subject to the Personnel Law, by the commissioner after consultation with the council. The manager shall be a person qualified by training and experience with human services or who has had satisfactory experience of a comparable nature in the direction, organization and administration of public or private human services. The manager shall be immediately and fully responsible to the commissioner and shall not be partially or indirectly responsible to any other official of the department.

The manager shall serve full time in a position that is separate from and not integrated in any way with another position in the department. He shall not concurrently hold another title and shall perform duties solely germane to the powers and duties of the office pursuant to this Part and Part 2.

The manager shall possess full authority and responsibility for administering all the powers and duties of the office provided in section 5310, with the advice and consent of the council, pursuant to section 5316 and subject to the direction of the commissioner, except as otherwise provided by section 6108. The director shall assume and discharge all responsibilities vested in the office. He shall not in any case assign to another unit of the department which is not responsible to him any power or duty granted to the office by statute, or by rules, regulations or procedures adopted pursuant to this Part and Part 2.

The manager may employ, subject to the Personnel Law and within the limits of available funds, competent professional personnel and other staff necessary to carry out the purposes of this Part and Part 2. He shall prescribe the duties of the staff and assign a sufficient number of staff full time to the office to achieve its powers and duties. Regarding the provision of human services by the office directly to eligible people, the manager may arrange to house staff or assign staff who are responsible to him to regional or other units of the department or State Government. Regarding the development, execution and monitoring of agreements, the manager shall not house nor assign staff to any other unit of the department or State Government. Such staff shall report solely and directly to him. The manager shall assign staff to the council as provided in sections 5305 and 5315.

**§ 5310. Powers and duties**

The office shall establish in accordance with the purposes and intent of this Part and Part 2, with the advice of the council and subject to the direction of the commissioner, the overall planning, policy, objectives and priorities for all functions and activities relating to human services, except services to older people, which are conducted or supported in the State. Such human services to be included, but to which the office shall not be limited, are those relating to education, employment and vocational services, income, health, housing, community, mental health, mental retardation, social, transportation and rehabilitation services for people, except older people. In order to carry out the above, the office shall have the power and duty to:

1. Encourage and assist development of more effective and more coordinated use of existing and new resources and social services available to Maine's residents;
2. Serve as a clearinghouse for information related to the field of social services and gather knowledge and statistics on social services, using existing sources of knowledge and data to the fullest extent possible;
3. Prepare, publish and disseminate educational materials dealing with social services for Maine's citizens;
4. Convene and conduct conferences of such authorities and officials of public and private nonprofit organizations concerned with the development and operation of social service programs intended to benefit citizens as the manager deems necessary or proper for the development and implementation of the intent and objectives of this Part and Part 2;
5. Provide or coordinate the provision of information, technical assistance and consultation about the field of social services to public and private nonprofit organizations and provide such help in accord with the intent and objectives of this Part and Part 2;
6. Coordinate and assist in the planning, development and establishment by public or private nonprofit organizations of social service, programs intended to benefit residents and which are in accord with the intent and objectives of this Part and Part 2;
7. Function as the organizational unit of State Government with the sole responsibility for conducting and coordinating, with the advice of the council and subject to the direction of the commissioner, functions assigned to it by the commissioner, and functions authorized by this Part and Part 2 and so much of the several Acts, amendments and successors to them enacted by the people of the State of Maine and those authorized by the United States Acts, amendments and successors to them as relate to human services, except services to older people:
  - A. The Priority Social Services Act of 1973;
  - B. The United States Social Security Act of 1935, including functions authorized under Title IV, Parts A, B and C and excluding any function authorized under Title VI or relating to older people.



The office is designated as the single agency of State Government solely responsible for administering, subject to the direction of the commissioner, any state plans as may be required by the above Acts, and for administering programs or Acts of the State or United States relating to such human services which are not the specific responsibility of another state agency under state or federal law.

8. Assist, with the advice of the council, the Legislative and Executive Branches of State Government, especially the Governor, commissioner and Bureau of the Budget, to coordinate all government efforts relating to human services, except services to older people by :

A. Submitting to each branch of State Government no later than September 1st of each year an annual report covering its activities for the immediately past fiscal year and future plans, including reports of the committee;

B. Reviewing all proposed legislation, fiscal activities, plans, policies and other administrative functions relating to such human services made by or requested of all state agencies. The office shall have the authority to submit to those bodies findings, comments and recommendations, which in the case of the Legislature, Governor and commissioner shall be advisory; and which in the case of other state agencies shall be binding. Such findings, comments and recommendations shall specify what modification in proposals or actions shall be taken to make proposed legislation, fiscal activities and administrative activities consistent with such policies and priorities;

C. Making recommendations to the respective branches of State Government related to improving the quality of such human services and shall consult with and be consulted by all responsible state agencies regarding the policies, priorities and objectives of functions related to human services;

9. Carry on a continuing evaluation of the social services programs and activities affecting Maine's residents, to determine the needs and priorities for types of social services; the types of services available; the number, location and characteristics of people served by each type of service; the amount, type and source of resources supporting types of services, the administrative adequacy and capacity of social service agencies; and the quality and quantity of types of social services; as well as to determine the value and impact of programs operated by or administered with the assistance of the State and Federal Governments; including social services as authorized by this and the several Acts and amendments to them enacted by the People of the State of Maine; and those authorized by these United States Acts and amendments to them; the Social Security Act of 1935, the Economic Opportunity Act of 1965, and similar Acts. Maintaining statistical information through use of uniform methods, which are reasonable, feasible and economically efficient, shall be specified for use by public and private agencies, organizations and individuals;

10. Prepare, adopt and administer policies, priorities, procedures, rules and regulations to govern its affairs and the development and operation of programs and activities conducted under the authority and in accordance with the purpose and objectives of this Part and Part 2, especially such rules and

regulations as may be necessary to carry out the designation of beneficiaries in section 6112, and to define contractual terms, conditions of agreements, quality of performance standards and such other rules as are necessary;

11. Provide for the coordination of state and federal programs and activities related to social services in accord with the purpose and objectives of this Part and Part 2;

12. Administer in accordance with the intent and objectives of this Part and Part 2, or within any limitation which may apply from the sources of such funds, any funds from any source for the benefit of Maine's residents in need of social services;

13. Assist the commissioner in all matters pertaining to social services;

14. Develop, in cooperation with other agencies, a plan for meeting the needs for trained personnel in the field of social services and for training persons for carrying out social services related to the intent and objectives of this Part and Part 2, and conduct and provide for the conducting of such training;

15. Perform other functions necessary to the powers and duties expressly stated in this Part and Part 2.

## CHAPTER 1475

### MAINE HUMAN SERVICES COUNCIL

#### § 5313. Council

There shall be within the Department of Health and Welfare, or its successors, the Maine Human Services Council.

#### § 5314. Membership

The council shall consist of no more than 17 members, who, excepting members representing the Legislature, shall be appointed by the Governor with the advice and consent of the Executive Council. To be qualified to serve, members shall have education, training, experience, knowledge, expertise and interest in human services. Members shall be residents of different geographical areas of the State, who reflect experiential diversity and concern for human services in the State.

They shall be selected from outstanding people in the fields of education, health, income maintenance and security, juvenile services, law, law enforcement, corrections, manpower, medical care, mental health, mental retardation, poverty and community action activities, rehabilitation, social service, welfare, youth services, services to older people, and related areas. Members shall have an unselfish and dedicated personal interest demonstrated by active participation in human service programs.

Membership shall include representatives of nongovernmental organizations or groups and of public agencies concerned with human services. At least 2 members of the council shall be current Members of the Legislature, consist-

ing of one member from the House of Representatives appointed by the Speaker of the House to serve at his pleasure and one member from the Senate appointed by the President of the Senate to serve at his pleasure. One private citizen member shall be between the ages of 16 and 21, one shall be age 65 or over, and one shall be representative of services to children. At least 8 members shall be persons who, at the time appointed and qualified, shall be current consumers of human services. At least 3 members shall be officials of public or private nonprofit community level agencies who are actively engaged in human services in public or private nonprofit community agencies.

Members shall be appointed for a term of 3 years, except that of the members first appointed, 5 shall be appointed for a term of 3 years, 5 shall be appointed for a term of 2 years and 5 shall be appointed for a term of one year, as designated by the Governor at the time of appointment; except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term, and except that members who are members of the current Legislature and who are appointed by the President of the Senate or the Speaker of the House shall serve at their pleasure. Any vacancy in the council shall not affect its powers, but shall be filled in the same manner by which the original appointment was made.

Members shall be eligible for reappointment for not more than 2 full consecutive terms and may serve after the expiration of their term until their successors have been appointed, qualified and taken office. The appointing authority may terminate the appointment of any member of the council for good and just cause and the reason for the termination of each appointment shall be communicated to each member so terminated. The appointment of any member of the council shall be terminated if a member is absent from 3 consecutive meetings without good and just cause that is communicated to the chairman. An official, employee, consultant or any other individual employed, retained or otherwise compensated by or representative of the Executive Branch of the Government of the State of Maine shall not be a member of the council; but shall assist the council if so requested. The director of the office or his representative shall attend all meetings of the council.

The Governor shall designate the chairman from among the members appointed to the council. The council may elect such other officers from its members as it deems appropriate.

#### § 5315. Administrative authority

The council shall meet at the call of the chairman or at the call of  $\frac{1}{4}$  of the members appointed and currently holding office. The council shall meet at least once every 3 months. The council shall keep minutes of all meetings, including a list of people in attendance. Minutes of all meetings shall be sent forthwith to the Governor and the leadership of the Legislature.

The council is authorized to employ, subject to the Personnel Law, such staff as is necessary to carry out its objectives. The council is authorized to employ consultants and contract for such projects as it deems necessary. The department and the office, to the extent feasible and reasonable, shall make

available to the council such staff, facilities, equipment, supplies, information and other assistance as it may reasonably require to carry out its activities.

Any reasonable and proper expenses of the council shall be borne by the office out of currently available state or federal funds. Each member of the council shall be entitled to receive \$25 per day for compensation of the time actually spent in the performance of his duties and may be reimbursed on the same basis as employees of state departments for the actual travel and other necessary expenses incurred in the performance of his duties. The council is authorized to appoint subcommittees consisting of its own members and to allow guests of the council to attend any and all meetings.

A majority of the council members shall constitute a quorum for the purpose of conducting the business of the council and exercising all the powers of the council. A vote of the majority of the members present shall be sufficient for all actions of the council.

#### § 5316. Powers and duties

The council, in cooperation with the office, shall have, regarding human services, except services to older people, the power and duty to:

1. Advise, consult and assist the Executive and Legislative Branches of State Government, especially the Governor, on activities of State Government related to human services, except those related to older people. The council shall be solely advisory in nature. The council may make recommendations regarding any function intended to improve the quality of such human services. If findings, comments or recommendations of the council vary from or are in addition to those of the office or department, such statements of the council shall be sent to the respective branches of State Government as attachments to those submitted by the office or department. Recommendations may take the form of proposed budgetary, legislative or policy actions;

2. Serve as an advocate on behalf of human services, except services to older people, promoting and assisting activities designed to meet at the national, state and community levels the problems of such human services. The council shall serve as an ombudsman on behalf of individual citizens as a class in matters relating to such human services under the jurisdiction of State Government. It shall be a spokesman on behalf of such human services to the manager, commissioner, Governor, Legislature, public-at-large and National Government.

3. Serve as the advisory committee on behalf of the State of Maine to the state agency relating to or as may be required by state or federal laws and regulations governing administration of programs authorized by this Part and so much of the several Acts, amendments and successors to them enacted by the people of the State of Maine and those authorized by the several United States Acts, amendments and successors to them as relate to human services, except services to older people:

- A. The Priority Social Services Act of 1973;

**B. The United States Social Security Act of 1935, except Title VI in its entirety.**

The council shall advise concerning state and federal plans, policies, programs and other activities relating to human services, except services to older people. The council shall submit its recommendations and comments on the state plan, and any revisions thereof, and reports to federal or state agencies. Statements at variance with or in addition to those of the office or department shall be attached to the plan or reports upon submission by the office to agencies of the United States Government or to state agencies;

4. Serve, through a subcommittee of the council, consisting of 5 persons including the chairman and 4 other members appointed by the chairman with the advice and consent of the Governor, as the review committee on behalf of the State of Maine responsible for analysis of proposals and submission of advisory recommendations to the manager concerning the acceptability of proposals requesting award of state administered grant funds those Acts enumerated in subsection 3; and in order to insure coordination and prevent duplication of such human services shall review and comment on, under its own initiative or at the request of any state or federal department or agency, any proposed agreement or agreement from any agency or organization within the State to a state or federal department or agency for assistance related to the provision of human services;

5. Review and evaluate on a continuing basis in cooperation with the office for the purpose of determining the value and impact on the lives of people, state and federal policies regarding human services programs and other activities affecting people, except older people, conducted or assisted by any state departments or agencies;

6. Inform the public, in cooperation with the office, to develop a firm public understanding of the current status of the human services, except services to older people in Maine, including information on effective programs elsewhere in the State or nation, by collecting and disseminating information, conducting or commissioning studies and publishing the results thereof and by issuing publications and reports;

7. Provide public forums, including the conduct of public hearings, sponsorship of conferences, workshops and other such meetings, to obtain information about, discuss and publicize the needs of and solutions to human service problems, except problems of older people;

8. Administer, in accordance with current fiscal and accounting regulations of the State, and in accordance with the philosophy, objectives and authority of this Part and Part 2, any funds appropriated for expenditure by the council or any grants or gifts which may become available, accepted and received by the council; and make, to be included in the annual report of the office, an annual report which shall be submitted directly to the manager, commissioner, Governor and Legislature not later than September 1st of each year concerning its work, recommendations and interests of the previous fiscal year and future plans; and shall make such interim reports as it deems advisable.

**Sec. 12. R. S., T. 22, Subtitle 4, amended.** The first 5 lines of Subtitle 4 of Title 22 of the Revised Statutes, as enacted by section 1 of chapter 38 of the private and special laws of 1973, are amended to read as follows:

~~SUBTITLE 4. PRIORITY SOCIAL SERVICES~~

~~PART 2. PART 2~~

~~ADMINISTRATION PRIORITY SOCIAL SERVICES PROGRAM~~

~~CHAPTER 1501~~

~~PRIORITY SOCIAL SERVICES~~

~~GENERAL PROVISIONS~~

**Sec. 13. R. S., T. 22, §§ 6104, 6106, 6107 and 6109, repealed.** Sections 6104, 6106, 6107 and 6109 of Title 22 of the Revised Statutes, as enacted by section 1 of chapter 38 of the private and special laws of 1973, are repealed.

**Sec. 14. R. S., T. 22, Subtitle 4, Part 2, amended.** The first 2 lines of Part 2 of Subtitle 4 of Title 22 of the Revised Statutes, as enacted by section 1 of chapter 38 of the private and special laws of 1973, are repealed as follows:

~~PART 2~~

~~PRIORITY SOCIAL SERVICES PROGRAM~~

**Sec. 15. R. S., T. 22, § 6108, repealed and replaced.** Section 6108 of Title 22 of the Revised Statutes, as enacted by section 1 of chapter 38 and by section 4 of chapter 148, both of the private and special laws of 1973, is repealed and the following enacted in place thereof:

**§ 6108. Administration of priority social services for Maine's elderly**

The Office of Maine's Elderly, Department of Health and Welfare or its successors, is designated as the organizational unit of State Government with sole responsibility for administering, with the advice of the Maine Committee on Aging, and subject to the direction of the commissioner, so much of the Priority Social Services Program as relates directly to older people, such as, but not limited to, these types of social services: Meals for older people, transportation for older people and coordinated elderly programs.

Regarding priority social services for older people, the Office of Maine's Elderly shall have the powers and duty to:

1. Administer such priority social services in accordance with the intent, objectives and purposes of this Part and shall have, in any respects that relate to such priority social services, the powers and duties set forth in section 5310;

2. Prepare, adopt, amend, rescind and administer, with the advice of the Maine Committee on Aging, policies, priorities, procedures, rules and regulations. The Office of Maine's Elderly and the Office of Resource Development, respectively, shall take, pertaining to their own policies, priorities, procedures,

rules and regulations, such action as is necessary to insure that such items pertinent to priority social services are consistent.

**Sec. 16. R. S., T. 22, § 6113, sub-§ 2, amended.** The first sentence of subsection 2 of section 6113 of Title 22 of the Revised Statutes, as enacted by section 1 of chapter 38 of the private and special laws of 1973, is repealed and the following enacted in place thereof:

**As of July 1, 1973, all responsibilities and functions given to the Office of Resource Development or to the Office of Maine's Elderly by this Part and Part 1-A shall be effectively held by those offices.**

#### STATEMENT OF FACT

The regular session of the 106th Legislature enacted 2 bills which authorized 2 different units within the Department of Health and Welfare to administer community grant funds available to Maine's elderly. The 2 bills permitted overlapping and duplication of responsibilities. A question has arisen as to which rules, regulations and procedures shall be followed.

An impasse has been reached. As a result, several hundred thousand dollars of funds have not been disbursed and neither program is operating as intended.

The purpose of this legislation is to define the specific limits of the respective powers and duties of each organization. This bill provides statutory authority for advisory citizen participation to assist operation of the Priority Social Services Program.