

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-1079)
107TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A " to H.P. 2143, L.D. 2286, Bill,
"AN ACT to Reorganize or Repeal Certain Activities and Agencies
in Maine State Government."

Amend said Bill by striking out all of the 3rd paragraph
in the emergency preamble.

Further amend said Bill by striking out all of sections 1
and 2.

Further amend said Bill by inserting before section 3 a
new section as follows:

'Sec. 2-A. 5 MRSA §711, sub-§11, as enacted by PL 1971,
c. 350, §1, and as amended by P&SL 1973, c. 53, is repealed and
the following enacted in place thereof:

11. Officials of the Department of Mental Health and
of
Corrections. The directors of Mental Health, /Mental Retardation
of
and /Corrections, and the superintendents of the Augusta Mental
of
Health Institute, /the Bangor Mental Health Institute and /the
Pineland Center.'

Further amend said Bill by striking out all of sections 6
and 7.

Further amend said Bill in section 8, 3rd line after the amending clause (same in L.D.) by striking out the underlined figure "400" and inserting in place thereof the underlined figure '1,000'

Further amend said Bill in section 8, last line (same in L.D.) by inserting after the underlined words "consisting of" the underlined words 'not less than'

Further amend said Bill by inserting after section 8 the following:

'Sec. 9. 34 MRSA §1, 2nd ¶, as last amended by PL 1973, c.553, §3, is repealed and the following enacted in place thereof:

← The department shall be under the control and supervision of a Commissioner of Mental Health and Corrections, hereinafter in this Title called the "commissioner," and 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. Any vacancy shall be filled by appointment for a like term. The commissioner shall be a person experienced in human services administration or who has had other satisfactory experience in the direction of work of a comparable nature. The commissioner may appoint, subject to the Personnel Law and except as may otherwise be provided, such employees as may be necessary.

The bureau directors and the heads of ^{the} several institutions within the department shall report directly to the commissioner.

In the event of a vacancy in the office of the commissioner or during his absence or disability, the Director of Mental Health shall perform such duties and have the same powers as provided by law for the commissioner. In the event of vacancy in both the office of commissioner and the office of Director of Mental Health, or during the absence or disability of both officials, the Director of Corrections shall perform such duties and have the same powers as provided by law for the commissioner.

Sec. 10. 34 MRSA §1, 4th ¶, is repealed and the following enacted in place thereof:

Wherever in this Title powers and duties are given to the department, these may be and shall be assumed and carried out by such of the bureau directors or institutional heads as the commissioner may designate from time to time, and these powers and duties so delegated may in turn be delegated by the afore-said officers with the approval of the commissioner.

Sec. 11. 34 MRSA §526, as enacted by PL 1967, c. 20, is repealed and the following enacted in place thereof:

§526. Director, duties; institutional heads

The commissioner shall, with the advice and consent of the Correctional Advisory Commission, appoint and set the salary for a Director of Corrections who shall be a person with training and experience in correctional administration or who has had

satisfactory experience in the direction of work of a comparable nature. The appointment shall be for an indeterminate term and until a successor is appointed and qualified or during the pleasure of the commissioner, provided that the commissioner shall obtain the advice of the advisory commission prior to removing the Director of Corrections from office. It shall be the duty of the Director of Corrections to carry out the purposes of the bureau.

Sec. 12. 34 MRSA §2002 is repealed and the following enacted in place thereof:

§2002. Director; duties

The commissioner shall, with the advice and consent of the Committee on Mental Health, appoint and set the salary for a Director of Mental Health who shall be a person with training and experience in mental health program administration or who has had satisfactory experience in the direction of work of a comparable nature. The appointment shall be for an indeterminate term and until a successor is appointed and qualified or during the pleasure of the commissioner, provided that the commissioner shall obtain the advice of the committee prior to removing the Director of Mental Health from office. It shall be the duty of the Director of Mental Health to carry out the purposes of the bureau.

Sec. 13. 34 MRSA §2062, as enacted by PL 1967, c. 535, §1, is repealed and the following enacted in place thereof:

§2062. Director; duties

The commissioner shall, with the advice and consent of the Committee on the Problems of the Mentally Retarded, appoint and set the salary for a Director of Mental Retardation who shall be a person with training and experience in mental retardation program administration or who has had satisfactory experience in the direction of work of a comparable nature. The appointment shall be for an indeterminate term and until a successor is appointed and qualified or during the pleasure of the commissioner, provided that the commissioner shall obtain the advice of the committee prior to removing the Director of Mental Retardation from office. It shall be the duty of the Director of Mental Retardation to carry out the purposes of the bureau.

Sec. 14. Transitional provision. Positions in the classified service which are removed from the classified service by this Act shall not be affected by this Act until the occupants of those positions on the effective date of this Act no longer occupy such positions or until July 1, 1980, whichever comes first. If any of the occupants of such positions on the effective date of this Act continue to occupy such positions on July 1, 1980, each such position shall be terminated by operation of law and appointment to the unclassified positions created by this Act shall be filled pursuant to the provisions of this Act.'

Further amend said Bill by striking out all of section 11.

Further amend said Bill by renumbering the sections to read consecutively.

Statement of Fact

The purposes of this amendment are to:

1. Delete a paragraph of the emergency preamble and substitute the following language and the appropriation to transfer Welfare Fraud Investigation from the Department of Audit to the Department of Human Services;
2. Delete provision for emergency appointment of a deputy commissioner for the Department of Human Services, which appointment is currently authorized by statute;
3. Provide that municipal zoning boards of appeals shall not have less than 3 members for municipalities of less than 1,000; and
4. Permit the Department of Mental Health and Corrections to authorize unclassifying bureau heads to provide procedures for appointment and removal of the bureau heads and to remove the requirement that the Director of the Bureau of Mental Health be a psychiatrist.

Reported by the Committee on State Government.

Reproduced and distributed under the direction of the Clerk of the House.
3/25/76

(Filing No. H-1079)