

MAINE STATE LEGISLATURE

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(Filing No. H-712)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
108TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " A " to H.P. 910, L.D. 1158, Bill,
"AN ACT to Coordinate, Effectively Utilize and Comprehensively
Plan the Service Needs of Maine's Children and Families by
Establishing a Maine Council of Families and Children, County
Councils on Families and Children and a State Office for
Children and Families."

Amend the Bill by striking out everything after the
enacting clause and inserting in its place the following:

'Sec. 1. 22 MRSA Sub-T 7 is enacted to read:

SUBTITLE 7. MAINE'S CHILDREN AND FAMILIES

PART I

1977 ACT ON MAINE'S CHILDREN AND FAMILIES

CHAPTER 1677

GENERAL PROVISIONS

§8501. Short title

This Act may be cited as the "1977 Act on Maine's
Children and Families."

§8502. Declaration of purpose

The intent of this Act is to improve the effectiveness
and the coordination of publicly supported services to Maine's
children and families by recognizing the efficacy of providing
preventive, supportive, supplemental and substitute services
to children and families throughout the State. In addition to
improving the access to public policy makers by parents, youth
and professionals concerned with the well-being of children,

this Act will increase the accountability, coordination and monitoring of diverse programs and services designed to serve children and families.

§8503. Declaration of objectives

It is declared that, in order to direct more purposefully state services to children and families through this Act, the following objectives will be pursued:

1. Comprehensive policy. Create and follow a comprehensive policy of planning and development designed to determine needs of children and develop programs and find resources to meet those needs;

2. Analysis of services. Oversee an inventory and analysis of present services to make certain that all children and families have the opportunity to avail themselves of such services no matter where they live, make certain that the services do properly meet the needs of all children and families served and where they do not, that new and adequate services be undertaken;

3. Monitoring. Establish a system of monitoring all public and regulated services, programs and policies to assure compliance with federal and state intent;

4. Cooperation. Encourage the coordination and cooperation of state and local agencies in programs for children and families;

5. Assured system. Assure the development of a state system of interrelated and coordinated services to replace the present fragmented, frequently overlapping and frequently haphazard mix of systems in the provinces of various departments;

6. Evaluate resources. Evaluate the present allocation of resources for children's and family services to insure more economical and efficient use of available resources;

7. Advise citizens. Represent the state's children and families by advising the citizenry of their needs and by proposing to the proper state authorities and the Legislature new services or extension of present services to meet those needs;

8. State response. Make more effective by a system of regular monitoring the state's response to federal programs and insure its more efficient use of federal funds available for programs for children and families;

9. Review and comment. Exercise the power of review and comment over state program proposals to the Federal Government;

10. Biennial conference. Arrange for a biennial Blaine House Conference on Children and Families; and

11. Recommendations. Make recommendations to the Governor and the Legislature for needed reforms in any or all parts of the state system of services to children and families.

§8504. Definitions

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

1. Child development. "Child development" means the physical, intellectual, social and emotional growth of a child which forms the basis for his future well-being and role in society.

2. Children. "Children" means persons who have not attained the age of 18 years.
3. Children's services. "Children's services" means programs which provide health, educational and social service to children.
4. Director. "Director" means the Director, Office for Children and Families.
5. Family. "Family" means a group of persons, residing in a common household and consisting of one or more adults and one or more children, as defined in this Act.
6. Family services. "Family services" means services designed to strengthen the family unit and to assist parents and guardians in providing for the developmental needs of their children.
7. Office. "Office" means the Office for Children and Families.

CHAPTER 1679

DESIGNATION OF THE OFFICE FOR
CHILDREN AND FAMILIES

§8521. Office for Children and Families

There is created the Office for Children and Families within the office of the Governor. The office shall, in order to promote the well-being of the children and families of Maine, oversee, coordinate and serve as the principal policy and planning vehicle for publicly supported or regulated services, or both, for children and families and shall endeavor to increase the efficiency of service delivery, and insure the effectiveness of programs and services to children

and families.

The office shall be administered by a director, who shall be appointed by the Governor in accordance with the Constitution of Maine, Article V, Part First, Section 8, and of any statutes enacted to carry out the purpose thereof.

The office shall be directly responsible to the Governor and shall be the principal agency of State Government responsible for carrying out this Act.

The office shall also report on its activities to the Joint Standing Committee on State Government.

§8522. Powers and duties

1. Powers and duties. The office shall have the following powers and duties:

A. Monitor and evaluate all existing or proposed programs, plans or policies which are directed at children, children's services and family services to assure compliance with state and federal statutory and regulatory policies and intent, including the state's comprehensive child and family care service plan;

B. Coordinate state service plans and programs, and responses to changes in federal statutes, regulations and funds;

C. Coordinate public and private activities when the private activities involve public funds and resources which are directed at children, children's services and family services;

D. Review and comment upon pertinent state plans developed by the various departments of the State for submission to the Federal Government, insofar as those plans relate to children's services and family services; and

E. Design, develop and annually review a comprehensive state child and family services plan for the efficient and coordinated delivery of services to children and families, which shall:

(1) Include an assessment of the health, educational, economic and social needs of children and families in the State;

(2) Inventory all programs providing services to children and their families; and

(3) Be submitted to the Governor and Legislature annually;

F. Identify unmet needs of children and families;

G. Make recommendations to the Governor and Legislature for statutory revisions or reforms;

H. Compile and index all pertinent state laws and regulations;

I. Provide staff assistance to the Maine Council on Children and Families;

J. Serve as an advocate for children and families by articulating their needs, disseminating information to the public and promoting the development of programs and services to all children and families;

K. Promulgate rules, regulations and guidelines for the implementation of the powers and duties described in this section.

2. Submission of plans. Any plan developed by any agency or department relating to children or family services for submission to the Federal Government shall be submitted to the office not less than 30 days prior to submission to the Federal Government.

§8523. State agencies to cooperate

State agencies proposing to establish programs related to the objectives of this Act shall consult with the Office and Families for Children/prior to the establishment of such services, and state agencies administering such programs shall cooperate fully with the office in carrying out such services.

CHAPTER 1681

MAINE COUNCIL ON

CHILDREN AND FAMILIES

§8551. Council

The Maine Council on Children and Families is created and hereinafter in this chapter is referred to as the "council." It shall consist of 20 members.

§8552. Membership

Members of the council shall be citizens of the State who have a demonstrated interest in children, families and a knowledge of children's and family problems. At least 2 members of the council shall be current members of the Legislature, one from the House of Representatives, appointed by the Speaker of the House and one from the Senate, appointed by the President of the Senate. Two current members of the

Governor's Committee on Children and Youth shall be members, as designated by the Governor. There shall also be 16 members, one from each county who shall be elected by his respective County Council for Children and Families.

Legislative members shall be appointed for terms of 2 years and other members shall be appointed or elected for a term of 3 years. Initial appointments or elections shall be for 1, 2 or 3 years, as established by lot prior to the initial appointment or election; and shall thereafter be for terms of 3 years. Should any member, who is a member of the council by virtue of being a member of the Legislature or a member of the Governor's Committee on Children and Youth cease to serve in that latter capacity, his membership on the council shall also terminate simultaneously. Any member appointed or elected to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall serve only for the remainder of that term.

Any provider of services under this Act, whether public or private, or any other individual employed, retained or otherwise compensated by or representative of the executive branch of State Government shall not be a member of the council.

Members shall be eligible for appointment or election for not more than 3 consecutive terms and may serve after the expiration of their terms until their successors have been appointed, qualified and taken office. The appointment or election of any member of the council shall be terminated if that member is absent from 3 consecutive meetings without good and just cause that is communicated to the chairman.

Any vacancy in the council shall not affect its powers, but shall be filled in the same manner by which the original appointment or election was made.

The council shall at its first meeting and at each annual anniversary thereof elect a chairman from among the members of the council. The council shall meet at the call of the chairman, but not less often than 4 times a year.

§8553. State agencies to cooperate

All agencies of the State Government shall cooperate fully with the council in carrying out this Act. The council is authorized to request state agencies to provide such assistance as shall help the council in furtherance of its powers and duties.

§8554. Administrative authority

Each member of the council shall be entitled to compensation for 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.

§8555. Powers and duties

1. Duties. The council shall have the powers and duties to:

A. Advise, consult and assist the Office for Children and Families on improving the quality of life of Maine's children and families;

B. Review and evaluate on a continuing basis in cooperation with the Office for Children and Families for the purpose of determining the value and impact on the lives of

children and families, state and federal policies regarding Maine's children and families, and programs and other activities affecting children and families conducted or assisted by any state department or agency;

C. Serve as a spokesman on behalf of Maine's children and families by making recommendations in the form of proposed budgetary, legislative and policy actions, to the Governor, Office for Children and Families, commissioner, director, Legislature or to other officials of Federal and State Government with respect to state and federal policies, programs and other activities affecting or related to the children and families of Maine; and

D. Provide public forums, including conducting public hearings, sponsorship of workshops, seminars and conferences to obtain information about, discuss and publicize the needs of and solutions to problems of children and families.

CHAPTER 1683

COUNTY COUNCILS FOR

CHILDREN AND FAMILIES

§8571. County councils

There is created in each of the counties of the State a County Council for Children and Families, and hereinafter in this chapter referred to as the "county councils." Each such county council shall consist of not less than 12 nor more than 18 members.

§8572. Membership

Members of each county council shall be residents of the county who have a demonstrated interest in children and families and a knowledge of the problems of children and families.

The initial 9 members of each county council shall be appointed by the present children and youth planning task force of each county. Three such members shall be representative of public or private social service agencies or both, 3 such members shall be parents of children who have not attained the age of 18 years and 3 such members shall themselves be persons who have not attained the age of 21 years. Three members so appointed, one from each category above, shall be initially appointed for a term of 3 years, 3 members so appointed, one from each category above, shall be initially appointed for a term of 2 years and the remaining 3 so appointed shall be initially appointed for a term of one year.

The initial 9 members of each county council shall, not later than 30 days after their appointment, appoint not less than 3 nor more than 9 additional members to their county council. These additional appointments shall be made so that an equal number of such appointees shall be representative of public or private social service agencies or both, be parents of children who have not attained the age of 18 years and be themselves persons who have not attained the age of 21 years. The first 1/3 of additional members so appointed, one from each category above, shall be appointed for a term of 3 years, the next 1/3 additional members so appointed, one from each category above, shall be appointed for a term of 2 years and

the last 1/3 members so appointed shall be appointed for a term of one year. Should more than 9 additional members be appointed, they shall be appointed in the same manner and for the same terms as the 9 additional members.

Thereafter, all appointments shall be made by the county council and shall be for a term of 3 years. The equal ratio of members representative of public or private social service agencies or both, of parents of children who have not attained the age of 18 years, and of persons who have not attained the age of 21 years shall always be maintained. Vacancies created by the death, resignation or disqualification of any member shall be filled as soon as possible. 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.

Members shall be eligible for reappointment for not more than 6 consecutive years and may serve after the expiration date of their terms until their successors have been appointed, qualified and taken office. The appointment of any member of a county council shall be terminated if the member is absent from 3 consecutive meetings without good cause that is communicated to the chairman of the county council.

Any vacancy in the county council shall not affect its powers.

Each county council shall, at its first meeting after all members have been appointed, qualified and taken office, and at each annual anniversary thereof, elect a chairman from among the members of the county council. The county council shall meet at the call of the chairman, or of any

5 members thereof, but not less than once each month.

Any full-time employee of the executive branch of State Government shall be ineligible for election as chairman.

§8573. Administrative authority

Each member of each county council shall be entitled to compensation for actual travel and other necessary expenses incurred in the performance of his duties. The county councils are authorized to appoint subcommittees consisting of its own members and to allow guests of the council to attend any and all meetings.

§8574. Powers and duties

1. Duties. Each county council shall have the powers and duties to:

- A. Comment on and review projected state plans affecting children and families in their county;
- B. Submit policy and budget recommendations concerning children's and family services to the Governor, the Legislature's Joint Standing Committee on State Government, the Office for Children and Families, county commissioners and other appropriate government bodies;
- C. Meet with regional administrators of state programs. The regional administrators shall promptly comply with requests for meetings;
- D. Provide public forums to identify and discuss problems affecting children and families and publicly supported children's and family services;

E. Disseminate information relating to public services for children and families; and

F. Elect a representative of the county to serve on the Maine Council on Children and Families, as the term expires or the office becomes vacant.

CHAPTER 1685

PROGRAM JUSTIFICATION

§8591. Justification reports

1. Purpose. It is the purpose of this chapter to establish a system for periodic justification of this program and the termination, continuation or reorganization of it. The Legislature will be required to evaluate the need for the continued existence of this Act on a periodic basis.

2. Contents. The justification report shall include, but not be limited to, the following information:

A. A description of the office and each of its programs, including a reference to authorizing legislation and an organizational chart;

B. An account of all funds received by source and all moneys disbursed by program;

C. An analysis, qualified as much as possible, of the extent to which the objectives of the office or councils have been achieved; and

D. An account of the activities and programs of the state and county councils.

3. Review time schedule. The office shall submit a justification report to the Legislature not later than October 31, 1979.

§8592. Justification and termination dates

The following termination schedule shall be applied:

This Act shall terminate, not including a grace period, not later than June 30, 1980, unless continued by statute.

§8593. Legal claims

Termination, modification or establishment of the office or councils as a result of the review required by this chapter shall not extinguish any legal claims against the State, any state employee or state department or independent agency. Specifically, the provisions of this chapter shall not relieve the State or any department or independent agency of responsibility for making timely payment of the principal and interest of any debt issued in the form of a bond or a note.

Sec. 2. Appropriation. There is appropriated from the General Fund to the Executive Department, Office for Children and Families, the sum of \$50,000 to be used to carry out the purposes of this Act. The breakdown shall be as follows:

	<u>1977-78</u>	<u>1978-79</u>
EXECUTIVE DEPARTMENT,		
Office for Children and Families		
All Other	\$20,000	\$30,000
(Seed money to be matched by federal funds)		

Statement of Fact

There is widespread belief that diverse state programs have not paid sufficient attention to the needs of children and families in the form of preventive, supportive, supplemental and substitute services to address child and family problems.

This amendment addresses the need for a specific locus in State Government, with substantial citizen involvement, for the coordination and monitoring of public services for children and families. It establishes 3 integrated elements comprised of an independent Council on Children and Families, an Office for Children and Families and county-level Councils for Children and Families which shall work together to coordinate diverse children's services throughout the State.

The amendment provides for a direct reporting relationship between the Office for Children and Families and the Governor, the Joint Standing Committee on State Government and state departments. Included in the amendment is a program justification (sunset) requirement.

State funds of \$20,000 for 1977-78 and \$30,000 for 1978-79 will be matched with federal funds to provide for 6 personnel in 1977-78 and 8 personnel in 1978-79. Anticipated federal matching funds are \$55,000 in 1977-78 and \$120,000 in 1978-79.

Reported by the Committee on State Government.

Reproduced and distributed under the direction of the Clerk of the House.

6/20/77

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