

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1158

H. P. 910

House of Representatives, March 17, 1977

Referred to the Committee on Health and Institutional Services. Sent up for concurrence and 2,000 copies ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Kelleher of Bangor.

Cosponsors: Mr. Morton of Farmington, Mrs. Najarian of Portland, Mr. Stubbs of Hallowell.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

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.

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

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 1678

GENERAL PROVISIONS

§ 8501. Short title

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

§ 8502. Declaration of purpose

It is the firm belief of the proponents of this Act that today's children, who will be tomorrow's leaders, will in large part determine the direction of Maine's future and the fulfillment of its destiny. Therefore, enlightened self-interest dictates that we, the people of the State, must to the best of our ability insure that our children are given every opportunity to develop their full potential in good emotional and physical health.

The family is the natural and fundamental group unit of our society and as such is entitled to the support and protection of the people and the State. Every effort must be made to increase the strength of the family unit as the natural growth medium within which our children will best attain maturity and the qualities of good citizenship. However, families sometimes do disintegrate and children are cast adrift. It then becomes the duty of the State to provide substitute and supportive services as nearly equal in effect to the normal family unit as resources permit.

To that end, mustering of resources, planning for their best use and development of the best system of supportive services for children and families becomes imperative for long-range social service planning. The destruction of a family unit is inevitably a crisis for those involved. The complexity of public programs for families and children should not be allowed to remain an obstacle to providing needed preventive, supportive, supplemental or substitute services to families and children. Public service systems must be carefully monitored to insure purposeful direction and coordination of services directed to assist children and families.

The basic aim of substitute services to children is and must be permanence for the child either by the restoration of the family unit as a viable productive group or placement in adoptive care where rehabilitation of the family is not possible. Therefore, services to children and families must be twofold: By the provision of necessary services to keep the family functioning in a way to contribute to the welfare of the child or children and, failing that, to provide substitute care to the child or children while providing such follow-up services to the family as may facilitate its reconstruction into the proper environment for the care and development of the child or children.

In order to more thoroughly prepare the children of the State for the duties and obligations of citizenship and to provide for their present and future well-being and comfort, it is essential that there be created at the State Capitol a central office, the principal purpose of which shall be the promotion of the health, education and welfare of the children and families of Maine by overseeing, coordinating, making policy and planning public or regulated services for the purpose of improving and insuring the increased efficiency and effectiveness of such programs, and insuring that they are valuable to all children and families in need within the State.

§ 8503. Declaration of objectives

It is declared that, in keeping with the traditional American concept of the family as the primary training source through which our children develop into good and useful citizens, and in keeping with our recognition of the rights of children to proper and adequate nourishment, emotional and physical, good health services, the best available educational opportunities, protection against abuse and neglect, development of work skills, humanitarian and rehabilitative public services, community mental health services, and equal justice before the law, then it shall be the duty and obligation of the several communities and their private and public agencies and the governments of the political subdivisions of the State and the State itself, through this Act to pursue the following objectives:

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

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

6. **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;

7. **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;

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

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

10. **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

§ 8505. 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.

§ 8506. Powers and duties

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

A. Monitor state programs and policies which are directed at children, children's services and family services to assure compliance with state and federal statutory and regulatory intent;

B. Coordinate state service plans and programs to assure compatibility with state-supported allied children and family service in order to maximize utilization of public funds and to increase the range of services available to children;

C. 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.

In order that this duty can be effectively accomplished, all such state plans shall be submitted to the office not less than 30 days before their submission to the Federal Government;

D. 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;

E. Identify service gaps and unmet needs of children and families;

F. Monitor and coordinate state responses to proposed federal statutes, regulations and funding changes directed at children and children and family services, in order that a more predictable and effective impact on such proposals is made by the State on behalf of children and families;

G. Serve as a patron for children and families by articulating their needs, disseminating information to the public regarding services and the needs of Maine children and families and promoting the development of programs and services to all children and families;

H. Provide ongoing study and analysis of services and programs for children and families;

I. Provide the necessary assistance and staff for conducting, biannually, a Blaine House Conference on Children and Families;

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

K. Index and compile all state laws and regulations pertinent to state-established, funded or supported children and family services;

L. Evaluate all existing and proposed plans and programs affecting services to children and their families for conformance to the goals, policies, and priorities established in the state's comprehensive child and family care service plan;

M. Make recommendations to the Governor and Legislature for needed statutory reforms in the area of services to children and families; and

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

§ 8507. State agencies to cooperate

State agencies proposing to establish programs substantially related to the objectives of this Act shall consult with the Office 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 1680
MAINE COUNCIL ON
CHILDREN AND FAMILIES

§ 8511. 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.

§ 8512. Membership

Members of the council shall be citizens of the State who have an unselfish and 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 and one from the Senate. Two current members of the Governor's Committee on Children and Youth shall be members. There shall also be 16 members, one from each county who shall be elected by his respective County Council for Children and Families.

Members shall be appointed or elected for a term of 2 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.

An official, employee, consultant 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 chairperson.

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 chairperson from among the members of the council. The council shall meet at the call of the chairperson, but not less often than 4 times a year.

§ 8513. 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.

§ 8514. 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.

§ 8515. 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. Serve as patron of Maine's children and families, promoting and assisting activities designed to meet the social problems of children and families at the state and local levels;

C. 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;

D. 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

E. 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 1681
COUNTY COUNCILS FOR
CHILDREN AND FAMILIES

§ 8516. 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 18 nor more than 27 members.

§ 8517. Membership

Members of each county council shall be residents of the county who have an unselfish and 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 legislative delegation 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 9 nor more than 18 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 3 additional members so appointed, one from each category above, shall be appointed for a term of 3 years, the next 3 additional members so appointed, one from each category above, shall be appointed for a term of 2 years and the next three 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 2 consecutive terms 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 chairperson 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 chairperson from among the members of the county council. The county council shall meet at the call of the chairperson, 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 chairperson.

§ 8518. 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.

§ 8519. 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 recommendations concerning children's and family services to the State Government, 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. Biennially elect a representative of their county to serve on the Maine Council on Children and Families.

CHAPTER 1682**PROGRAM JUSTIFICATION****§ 8520. 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 agency on a periodic basis.

§ 8521. Justification reports

The Office for Children and Families, the Maine Council on Children and Families and each County Council for Children and Families shall prepare and submit to the Legislature a Justification Report on the date called for in section 8524 and at least once every 10 years thereafter. Each agency shall, unless continued or modified by law, terminate according to schedule. However, each terminated agency shall have a grace period, not to exceed one year, in which to complete its duties. If an independent agency is continued or modified by law, then this agency or its successors shall submit a new termination report at least once every 10 years until terminated.

§ 8522. Contents of Justification Reports

Each Justification Report shall include, but not be limited to, the following information.

1. Program and objectives. Each report shall include a description of the agency and each of its programs or advisory boards or commissions, including a reference to authorizing legislation and an organizational chart.

2. Financial statement. Each report shall account for all funds received by source and all moneys disbursed by program.

3. Objectives. Each report shall include an analysis, qualified as much as possible, of the extent to which the objectives of the department or agency have been achieved.

The Legislature shall by law establish a format for the Justification Reports and shall establish appropriate procedures for review of such reports.

§ 8523. Justification and termination dates

The following termination schedule shall be applied:

The agencies named in section 8521 of this chapter shall terminate, not including a grace period, not later than June 30, 1980.

§ 8524. Review time schedule

The agencies designated in section 8521 shall submit their Justification Reports to the Legislature not later than October 31, 1978.

§ 8525. Legal claims

Termination, modification or establishment of agencies 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 \$225,000 to be used to carry out the purposes of this Act. The breakdown shall be as follows:

	1977-78	1978-79
EXECUTIVE DEPARTMENT		
Office for Children and Families		
Personal Services	(6) \$56,250	(8) \$110,000
All Other	18,750	40,000
	<hr/>	<hr/>
	\$75,000	\$150,000

STATEMENT OF FACT

Children under age 18 comprise nearly 1/3 of Maine's population. Families with children under 18 comprise 60% of Maine's population.

Those facts which are available to the 108th Legislature regarding children and families in Maine point toward growing numbers of children and families at risk: 50,000 Maine children living in single parent families, nearly 1,500 out-of-wedlock pregnancies annually, 2,400 children in the custody of the State, an annual divorce rate of approximately 50%, 3,300 school dropouts annually, 800 infants born annually with no parental care, 1,000 runaway youth and growing rates of juvenile delinquency.

Correspondingly, there is growing evidence which points to the fact that the growth of public service systems has not reflected sufficient attention to children and families in the form of preventive, supportive, supplemental and substitutive services to prevent family breakdown and more costly remedial attempts to provide for the child. This bill will establish a public citizen body concerned with public services to children and families, county level councils and an independent state office answerable directly to the Governor and the Maine Legislature. It is estimated that the program will use approximately \$75,000 in federal funds for the first fiscal year and \$140,000 in federal funds for the 2nd fiscal year.