

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
FIRST REGULAR SESSION

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ONE HUNDRED AND TENTH LEGISLATURE

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**Legislative Document**

**No. 1491**

H. P. 1276

House of Representatives, March 26, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative Keller of Bangor.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

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**AN ACT to Clarify Administration of Appropriations Provided to the Maine  
Human Services Council.**

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**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, administrative actions affecting appropriations of the Maine Human Services Council must be performed on or before July 1, 1981; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1.** 22 MRSA § 1, 2nd sentence, as amended by P&SL 1975, c. 147, Sec. G, § 2, is repealed.

**Sec. 2.** 22 MRSA § 5304, sub-§ 6, as amended by PL 1975, c. 293, § 4, is further amended to read:

**6. Council.** "Council" means the Maine Human Services Council ~~Maine Department of Human Services.~~

**Sec. 3.** 22 MRSA § 5313, sub-§ 1, as amended by PL 1975, c. 293, § 4, is repealed and the following enacted in its place:

**1.** There shall be within State Government the Maine Human Services Council. The council shall be an independent board, separate and distinct from any other organizational unit of State Government.

**Sec. 4.** 22 MRSA § 5314, 5th ¶, last sentence, as enacted by PL 1973, c. 793, § 12, is repealed.

**Sec. 5.** 22 MRSA § 5313, 2nd ¶, 3rd sentence, as enacted by PL 1973, c. 793, § 12, is amended to read:

~~The department and the bureau~~ State agencies, 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.

**Sec. 6.** 22 MRSA § 5315, 3rd ¶, first sentence, as enacted by PL 1973, c. 793, § 12, is amended to read:

Any reasonable and proper expenses of the council shall be borne ~~by the bureau~~ out of currently available state or federal funds.

**Sec. 7.** 22 MRSA § 5315, as last amended by PL 1979, c. 542, Pt. D, § 1, is further amended by adding at the end a new paragraph to read:

State agencies responsible for providing support services, financial or otherwise, to the council shall take such actions as are required to insure that fiscal, personnel and other administrative actions performed by or relating to the council are maintained as separate, distinct actions, or records of actions, of the council as an independent board within State Government. Officials of the Executive Branch of State Government shall not take any action that may jeopardize the council's status as an independent board within State Government. Administration relating to the council shall utilize applicable State Government policies and procedures. Support services for the council shall be provided by the Department of Human Services as it customarily provides support services for its subunits or programs.

**Sec. 8.** 22 MRSA § 5316, sub-§ 1, 4th sentence, as enacted by PL 1973, c. 793, § 12, is amended to read:

If findings, comments or recommendations of the council vary from or are in addition to those of ~~the bureau or department~~ a state agency, such statements of the council shall be sent to the respective branches of State Government as attachments to those submitted by ~~the bureau or department~~ a state agency.

**Sec. 9.** 22 MRSA § 5316, sub-§ 2, last sentence, as enacted by PL 1973, c. 793, § 12, is amended to read:

It shall be a spokesman on behalf of such human services to ~~the director,~~

~~commissioner state agencies, the Governor, Legislature, public-at-large and National Government;~~

**Sec. 10. 22 MRSA § 5316, sub-§ 3, last sentence,** as enacted by PL 1973, c. 793, § 12, is amended to read:

Statements at variance with or in addition to those of ~~the bureau or department a state agency~~ shall be attached to the plan or reports upon submission ~~by the bureau~~ to agencies of the United States Government or to state agencies.

**Sec. 11. 22 MRSA § 5316, sub-§ 4, first sentence,** as enacted by PL 1973, c. 793, § 12, is amended to read:

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 director~~ concerning the acceptability of proposals requesting award of state administered grant funds ~~under such as~~ those Acts enumerated in subsection 3.

**Sec. 12. 22 MRSA § 5316, sub-§ 5,** as enacted by PL 1973, c. 793, § 12, is amended to read:

**5. Review and evaluate.** Review and evaluate on a continuing basis ~~in consultation with the bureau for the purpose of determining the purpose,~~ 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;

**Sec. 13. 22 MRSA § 5316, sub-§ 6,** as enacted by PL 1973, c. 793, § 12, is amended to read:

**6. Inform the public.** Inform the public ~~in consultation with the bureau~~ 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;

**Sec. 14. 22 MRSA § 5316, sub-§ 8,** as enacted by PL 1973, c. 793, § 12, is amended to read:

**8. Administer funds.** 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 bureau, an annual report, which shall be submitted directly to the director, commissioner~~ an annual report to the 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.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

#### STATEMENT OF FACT

The purpose of this bill is to clarify how administrative and other support services are provided for the Maine Human Services Council. This bill more carefully defines the organization of the Maine Human Services Council as a unit within State Government distinct from other state agencies, particularly the Department of Human Services.

Statutory language governing the council is amended to remove inconsistencies relating to support services. The bill's language makes clear that the council's existing administrative, fiscal and other powers and duties authorize it to advise, consult and assist on administration of human services and related matters conducted by various agencies of State Government, such as the Office of Energy Resources, the Department of Mental Health and Corrections and the Division of Community Services.

The bill clarifies that administrative support services including General Fund appropriations and expenditures, shall be maintained distinct from those of other state agencies. The bill does specify that support services for the council shall be provided by the Department of Human Services, as it customarily provides support services for its subunits or programs.