

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TENTH LEGISLATURE
4

5 **Legislative Document**

No. 1872

7 H. P. 1879 House of Representatives, January 26, 1982
Approved for introduction by the Legislative Council pursuant to
Joint Rule 26.

Referred to the Committee on Health and Institutional Services.
Sent up for concurrence and 1,600 ordered printed.

8 EDWIN H. PERT, Clerk
Presented by Representative Kelleher of Bangor.

Cosponsors: Senator Gill of Cumberland, Representative Joyce of
Portland.

9
10 STATE OF MAINE
11

12 IN THE YEAR OF OUR LORD
13 NINETEEN HUNDRED AND EIGHTY-TWO
14

15 AN ACT to Establish Statutory Guidelines for
16 the Planning and Expenditure of Social
17 Service Funds.
18

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

20 5 MRSA c. 148-A is enacted to read:

21 CHAPTER 148-A

22 SOCIAL SERVICE PLANNING AND EXPENDITURES

23 §1641. General provisions

24 1. Title. This chapter shall be cited as the "Maine
25 Social Service Act of 1982."

1 2. Purpose. The purpose of this chapter is to provide
2 effective oversight and guidelines for departments to plan
3 for and expend funds for social services. To achieve this,
4 the several purposes of the chapter are:

5 A. To authorize preparation of the Maine Social Ser-
6 vice Plan so that one document contains the program de-
7 scriptions, expenditure estimates and policy and bud-
8 getary directions for social services operated by State
9 Government;

10 B. To authorize a process for social service public
11 policy making by the Executive and Legislative Branches
12 of State Government;

13 C. To encourage cooperation among state departments
14 and public participation in social service policy
15 making;

16 D. To encourage effective social service planning,
17 coordination, service delivery and expenditure of state
18 administered funds; and

19 E. To fulfill the Federal Government's goal to have
20 states exercise greater discretion and control over
21 implementation of federal programs.

22 3. Definitions. For the purposes of this chapter,
23 unless the context otherwise indicates, the following terms
24 have the following meanings.

25 A. "Department" means the Department of Human Ser-
26 VICES, the Department of Mental Health and Mental
27 Retardation and the Division of Community Services, and
28 may mean such other administrative units of State Gov-
29 ernment as are defined from time to time.

30 B. "Legislative committees" means the joint standing
31 committee of the Legislature having jurisdiction over
32 appropriations and financial affairs and the joint
33 standing committee of the Legislature having jurisdic-
34 tion over health and institutional services.

35 C. "Plan" means the Maine Social Service Plan con-
36 ducted pursuant to this chapter.

37 D. "Social service" means any children's, youth, adult
38 or elderly service, and alcoholism, community action,
39 developmental disability, drug abuse, home heating

1 assistance, juvenile, mental health, mental retardation,
2 tion, older Americans, poverty, rehabilitation, substance
3 abuse, transportation or winterization service
4 operated by a department utilizing state administered
5 funds, except income supplementation, health and medical
6 services.

7 E. "State administered funds" means any and all general
8 funds, dedicated funds, federal funds, fees,
9 grants, 3rd party reimbursements, vendor payments or
10 other funds or revenue available for expenditure by a
11 department in support of the provision of a social service.
12 vice.

13 §1642. Plan content

14 1. Contents. The Maine Social Service Plan shall contain
15 program descriptions and expenditure estimates for
16 state administered funds for each fiscal year of the ensuing
17 biennium contrasted with the corresponding information of
18 the last completed fiscal year and the estimated information
19 for the fiscal year in progress. It shall include, but not
20 be limited to, all social and related services administered,
21 supported or funded by the departments.

22 2. Comprehensive plan. The plan shall be comprehensive.
23 In a single document covering the departments, there
24 shall be an integrated statement of Maine social service
25 policy and budgetary directions. The plan shall describe
26 goals, statutory mandates and priorities for service in
27 terms of quality and quantity.

28 3. Presentation. The plan shall be presented as an
29 executive policy-making summary that synthesizes and delineates
30 its content in language and displays that are readily
31 understandable to citizens who wish to meaningfully participate
32 in consideration of its approval, and to enable the
33 Governor and Legislature to make informed decisions when
34 authorizing its implementation. It shall provide and
35 encourage comparative analysis by using uniform terms, common
36 definitions of service and unduplicated program statistics
37 and fiscal data. It shall be in a format that assures
38 easy consideration of fiscal items in the state budget and
39 appropriations' process and of proposed statutory items in
40 legislation as necessary.

41 4. Prohibitions. The plan shall not be an operation
42 or implementation plan, nor a collection of plans from various
43 programs and departments. It is not intended to be a

1 "state plan" for submission to the Federal Government or
2 solely for compliance with federal law or regulations.

3 5. Social services covered by plan. The plan shall
4 cover any social service, as defined in section 1641, sub-
5 section 3, paragraph D and any related service, and the
6 funding of such services as authorized by state or federal
7 law, including, but not limited to:

8 A. Federal block grants, such as alcohol, drug abuse
9 and mental health; community services; social services;
10 selected portions of related health programs; and low
11 income energy assistance;

12 B. Federal categorical programs, such as child wel-
13 fare, developmental disabilities, older American's,
14 vocational rehabilitation, winterization and selected
15 portions of Medicaid; and

16 C. Any social service authorized or funded pursuant to
17 state law.

18 §1643. Plan development and implementation

19 1. Plan preparation. The plan shall be prepared by
20 the departments in a joint cooperative effort.

21 2. Cooperation and public participation. Throughout
22 its development and consideration, the plan shall be pre-
23 pared in cooperation with, and there shall be available
24 reasonable and equitable opportunities for meaningful public
25 participation by, citizens generally, consumers of social
26 services, public and private providers of social services,
27 state agencies, public policy makers, political subdivi-
28 sions, advisory groups and other interested persons.

29 A. The plan shall be prepared in cooperation with and
30 through the participation of individuals and groups,
31 including, but not limited to, advocates of adults,
32 children, youth, the elderly, handicapped, mentally
33 ill, mentally retarded, poor and lower income people;
34 legislative committees responsible for social services;
35 municipal and county government; and provider associa-
36 tions.

37 B. The Maine Human Services Council shall administer
38 this subsection and subsection 3 on behalf of the
39 Executive Branch of State Government.

1 C. To provide greater opportunity for public parti-
2 cipation, departments shall cooperate with each other
3 and other state agencies and the council to develop the
4 plan through a single process that minimizes
5 duplicative activities.

6 3. Advance cooperation and public participation. The
7 plan shall be publicly developed with meaningful advance
8 cooperation and participation beginning on April 1st and
9 ending on October 31st of even-numbered years. The council
10 shall take actions intended to assure that opportunities for
11 cooperation and public participation are available through-
12 out the State during advance development of the plan.

13 4. Plan implementation. Following approval of legis-
14 lation authorizing implementation of the plan, each depart-
15 ment shall be responsible for those social services that the
16 Legislature designates it to administer.

17 \$1644. Timetable for plan publication, approval and report-
18 ing

19 1. Draft plan available. On August 15th of even-
20 numbered years, a draft of the Maine Social Service Plan
21 shall be available containing the proposed program descrip-
22 tions and expenditure estimates specified in section 1642
23 and expected to be published in the plan on October 1st.

24 2. Proposed plan available. On October 1st of even-
25 numbered years, the proposed plan shall be available con-
26 taining the social service program descriptions and expendi-
27 ture estimates specified in section 1642.

28 3. Proposed plan presented to Governor. The plan
29 shall be formally presented to the Governor on or before
30 October 15th of even-numbered years. The Governor shall
31 review and act on implementation of the plan in accordance
32 with the powers and duties of that office.

33 4. Proposed plan presented for legislative
34 approval. The plan shall be formally presented to the
35 Legislature no later than the first Friday following the
36 first Wednesday of December of even-numbered years. A copy
37 of the plan shall be provided at a minimum to each member of
38 the Legislative Council and each member of the legislative
39 committees having jurisdiction over social services.

40 A. No program may be implemented on the state level
41 during the ensuing biennium for any social service,

1 unless it is part of the plan approved by the Legis-
2 lature, or for which implementation is otherwise
3 authorized pursuant to section 1669; unless expendi-
4 tures are authorized by appropriations or allocations
5 of state administered funds based on recommendations
6 from the committee having jurisdiction over appropri-
7 ations and financial affairs; and unless implementation
8 of the program is authorized based on recommendations
9 from the committee having jurisdiction over health and
10 institutional services.

11 B. The joint standing committee having jurisdiction
12 over appropriations and financial affairs shall prepare
13 its recommendations as part of considering the biennial
14 budget of state administered funds.

15 C. The joint standing committee having jurisdiction
16 over health and institutional services shall, during
17 the First Regular Session of each Legislature, hold a
18 public hearing and report its findings and recommenda-
19 tions on the plan, together with all necessary imple-
20 menting legislation, to the Legislature.

21 5. Final plan available. Following the effective date
22 of legislation approving implementation of the plan, on
23 August 15th of odd-numbered years, the final plan shall be
24 available. It shall contain the final program descriptions
25 and actual expenditures or authorizations of state adminis-
26 tered funds for each fiscal year of the current biennium
27 contrasted with the corresponding information of the 2 most
28 recently completed fiscal years. As to all other content,
29 the final plan shall contain the information specified in
30 section 1642.

31 6. Report to the Legislature. The basic report to the
32 Legislature on implementation shall be contained in the plan
33 as specified in section 1642. An interim report on imple-
34 mentation shall be presented to the Legislature on February
35 1st of even-numbered years. It shall contain only actual or
36 proposed amendments to the final plan. The interim imple-
37 mentation report shall follow the content specified for the
38 final plans modified as necessary to report only actual or
39 proposed amendments to the Legislature for its action.

40 7. Compliance with the Maine Administrative Procedure
41 Act. Publication of the plan pursuant to subsections 1 and
42 5, and of amendments to the final plan, shall be in accor-
43 dance with chapters 375 and 377.

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STATEMENT OF FACT

The purposes of this bill are stated in Title 5, section 1641, subsection 2, as enacted by this bill.

The bill sets forth statutory guidelines for planning, monitoring and approving social service programs and expenditures. The guidelines establish a timetable for social service policy making. The following is an outline of the timetable applicable to the next biennium.

- April 1, 1982 Begin advance planning and public participation;
- August 15, 1982 Draft plan published;
- October 1, 1982 Proposed plan available;
- October 15, 1982 Proposed plan presented to the Governor;
- December 3, 1982 Proposed plan presented to the Legislature;
- During the 1983 legislative session Joint Standing Committee on Appropriations and Financial Affairs recommends funding. Joint Standing Committee on Health and Institutional Services hears plan and reports findings. Legislation enacted to authorize implementation of the plan;
- August 15, 1983 Final plan published; and
- February 1, 1984 Interim report on implementation presented to Legislature.

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