

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 351

6  
7 H.P. 292

House of Representatives, February 1, 1983

8 Referred to the Committee on Audit and Program Review, sent up for  
9 concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Rolde of York.

Cosponsors: Representative Masterton of Cape Elizabeth, Representative  
11 Mitchell of Vassalboro and Senator Charette of Androscoggin.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-THREE  
16

17 AN ACT to Delineate Community Services  
18 in Maine.  
19

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

22 Sec. 1. 5 MRSA c. 330 is enacted to read:

23 CHAPTER 330

24 COMMUNITY SERVICES

25 §3511. Title

26 This chapter shall be known and may be cited as  
27 the "Maine Community Services Act."

28 §3512. Purpose and intent

1        It is the purpose and intent of this Act to  
2 delineate a system of community services and commu-  
3 nity action agencies to enhance and stimulate eco-  
4 nomic opportunity and self-sufficiency for all citi-  
5 zens. It is the purpose of this system to assure an  
6 effective focusing of local, state and federal  
7 resources upon these goals, enabling disadvantaged  
8 citizens, and their families, to attain the skills,  
9 knowledge, motivation and opportunities needed to  
10 become self-sufficient.

11        It is the further purpose and intent of this Act  
12 to establish maximum local flexibility with the most  
13 effective use of state planning and monitoring capa-  
14 bilities.

15        §3513. Definitions

16        As used in this chapter, unless the context indi-  
17 cates otherwise, the following terms have the follow-  
18 ing meanings.

19        1. Community action agency. "Community action  
20 agency" means a private nonprofit agency which has  
21 previously been designated by and authorized to ac-  
22 cept funds from the Federal Community Services Admin-  
23 istration under the United States Economic Oppor-  
24 tunity Act of 1964.

25        2. Director. "Director" means the Director of the  
26 Division of Community Services.

27        3. Division. "Division" means the Division of  
28 Community Services.

29        4. Poverty level. "Poverty level" means the offi-  
30 cial poverty level issued by the United States Secre-  
31 tary of Health and Human Services pursuant to the  
32 United States Omnibus Budget Reconciliation Act of  
33 1981, Section 673(2), United States Code, Title 42,  
34 Section 9902.

35        5. Service area. "Service area" means the geo-  
36 graphical area within the jurisdiction of a community  
37 action agency.

1       §3514. Division of Community Services

2           There is established, to carry out the purposes  
3 of this chapter, the Division of Community Services  
4 in the Executive Department, which shall carry out  
5 the responsibilities of State Government relating to  
6 planning and financing community services and commu-  
7 nity action agencies and shall administer state and  
8 federal community services' programs and other block  
9 grants that may be available, including, but not  
10 limited to, energy assistance and weatherization.

11       §3515. Director

12           The Governor shall appoint a full-time Director  
13 of the Division of Community Services, subject to  
14 confirmation by the joint standing committee of the  
15 Legislature having jurisdiction over State Govern-  
16 ment. The director shall serve coterminus with the  
17 Governor. The director shall be paid a salary fixed  
18 by the Governor.

19       §3516. Rules

20           The division shall promulgate rules jointly with  
21 designated community action agencies to carry out all  
22 programs it administers.

23       §3517. Community Services Advisory Board

24           1. Appointment. The Governor shall appoint a  
25 9-person Community Services Advisory Board to advise  
26 and make recommendations concerning the programs and  
27 policies administered by the division. The board  
28 shall be made up as follows:

29           A. Two executive directors of community action  
30           agencies;

31           B. Three members from the boards of directors of  
32           community action agencies;

33           C. Two members of the public who have received  
34           assistance or service from the division or commu-  
35           nity action agencies;

36           D. One Senator designated by the President of the  
37           Senate;

1 E. One Representative designated by the Speaker  
2 of the House of Representatives; and

3 F. The director of the division, who shall serve  
4 as an ex officio member of the board.

5 2. Meetings. The board shall meet monthly. The  
6 division shall provide reimbursement for expenses of  
7 the board.

8 §3518. Division of Community Services; powers and  
9 duties

10 1. Federal community services' funds. The divi-  
11 sion shall obtain, distribute and administer, through  
12 plans and contracts developed jointly with community  
13 action agencies, federal community services' funds,  
14 including block grants, energy assistance,  
15 weatherization and others as may become available.

16 2. Monitoring of poverty level. The division  
17 shall monitor the poverty level of Maine citizens and  
18 carry out the following activities:

19 A. Conduct an annual survey of poverty in Maine,  
20 reporting the results of this survey to the Gov-  
21 ernor, the Legislature and the public;

22 B. Make recommendations annually to the Governor  
23 and the Legislature on ways and means to combat  
24 and reduce poverty in Maine;

25 C. Seek federal, state and private funds to com-  
26 bat poverty in Maine; and

27 D. Advise the Governor, the Legislature and local  
28 officials on the impact of state and local poli-  
29 cies on poverty in Maine.

30 3. Overseeing community action agencies. The  
31 division shall oversee community action agencies as  
32 follows.

33 A. The division shall designate community action  
34 agencies every 7 years pursuant to the require-  
35 ments of this chapter.

1           B. The division shall establish audit require-  
2           ments in accordance with the Human Services Com-  
3           munity Agency Accounting Practices Act.

4           C. The division shall provide training and tech-  
5           nical assistance to community action agencies.

6           D. The division shall evaluate community action  
7           agencies every 2 years.

8           §3519. Community action agencies

9           1. Designation. Community action agencies shall  
10          be designated by the Division of Community Services  
11          to carry out the purposes of this chapter. These des-  
12          ignations shall be for 7 years.

13          2. Designation withdrawn. The division may with-  
14          draw its designation of a community action agency  
15          after an evaluation in which the agency has demon-  
16          strated substantial incompetency and a clear inabil-  
17          ity to carry out the purposes of this Act , unless  
18          there is or has been financial malfeasance, which may  
19          be cause for immediate withdrawal of designation.

20          The division shall notify an agency of a pending  
21          withdrawal of designation. Upon notification, the  
22          agency shall have up to 6 months to take corrective  
23          action, at which time a designation withdrawal evalu-  
24          ation shall be performed by the division. Failure to  
25          pass this evaluation shall mean immediate loss of  
26          designation.

27          3. Community action agencies. Community action  
28          agencies shall have the following powers and duties:

29          A. Develop information as to the causes and con-  
30          ditions of poverty in the service area;

31          B. Determine how much and how effectively assis-  
32          tance is being provided to deal with those causes  
33          and conditions;

34          C. Establish priorities among projects, activi-  
35          ties and areas as needed for the best and most  
36          efficient use of available resources;

1 D. Develop, administer and operate programs to  
2 reduce poverty with particular emphasis on  
3 self-help approaches and programs to promote eco-  
4 nommic opportunities through affirmative action;

5 E. Initiate, sponsor and provide programs and  
6 services responsive to the needs of the poor  
7 which are not otherwise being met;

8 F. Promote interagency cooperation and coordina-  
9 tion of all services and activities in the ser-  
10 vice area which are related to the purposes of  
11 this Act;

12 G. Establish effective procedures by which the  
13 poor and other concerned area residents will be  
14 enabled to influence the character of programs  
15 affecting their interests, provide for their  
16 regular participation in the implementation of  
17 those programs and provide technical and other  
18 support needed to enable low-income and neighbor-  
19 hood groups to secure on their own behalf avail-  
20 able assistance from public and private sources;

21 H. Join with and encourage business, labor and  
22 other private groups and organizations to under-  
23 take, together with private officials and agen-  
24 cies, activities in support of the purposes of  
25 this Act which will result in the increased use  
26 of private resources and capabilities in provid-  
27 ing social and economic opportunities to low-  
28 income citizens;

29 I. Enter into contracts with federal, state,  
30 local public agencies and private agencies and  
31 organizations, businesses and individuals, as  
32 necessary to carry out the purposes of this Act;  
33 and

34 J. Be eligible to receive funds from such fed-  
35 eral, state, local and private sources as appro-  
36 priate to carry out the purposes of this Act.

37 §3520. Governing board for community action agency

38 1. Board of directors; establishment. A community  
39 action agency shall establish a governing board of

1 directors which shall consist of not less than 15 nor  
2 more than 30 members. One-third of the members shall  
3 be representatives of low-income residents of the  
4 service area who are selected through a democratic  
5 process in accordance with guidelines established by  
6 the Division of Community Services. One-third of the  
7 members shall be elected public officials or their  
8 designees or officials of public agencies operating  
9 in the service area. One-third of the members shall  
10 be representatives of private sector organizations,  
11 including business and industry, as well as educa-  
12 tional, civic and religious organizations.

13 2. Responsibilities. A community action agency  
14 board of directors shall be responsible for the fol-  
15 lowing:

16 A. Overall direction, oversight and policies of  
17 the agency;

18 B. Selection, evaluation and dismissal of the  
19 executive director of the community action  
20 agency;

21 C. Approval of all contracts;

22 D. Approval of all agency budgets;

23 E. Performance of an annual audit by an independ-  
24 ent, qualified outside auditor. The audit shall  
25 be submitted upon completion to the Division of  
26 Community Services;

27 F. Convening public meetings to provide low-  
28 income and other citizens of the service area the  
29 opportunity to comment upon policies and programs  
30 of the community action agencies;

31 G. All meetings of the board of directors shall  
32 be in accordance with the freedom of access law;  
33 and

34 H. Evaluate agency programs and assess community  
35 and agency needs.

36 §3521. Programs



1       All programs administered by community action  
2 agencies shall be in conformance with federal and  
3 state laws and regulations. Recipients of programs  
4 and assistance shall be promptly notified of their  
5 rights and responsibilities when they qualify for  
6 these services.

7       §3522. Annual report

8           1. Distribution of community services' block  
9 grants. The Division of Community Services shall ad-  
10 minister and distribute to community action agencies,  
11 upon approval of the Legislature, community services'  
12 block grants received from the Federal Government.

13           2. Community action agencies; priority. Community  
14 action agencies shall receive first priority in the  
15 allocation of community services' block grants. These  
16 funds shall be distributed according to a formula  
17 determined annually as follows.

18           A. Fifteen percent of the community services'  
19 block grant shall be divided equally among all  
20 designated agencies.

21           B. All remaining funds shall be distributed ac-  
22 ording to factors of need, geography, economic  
23 distress and numbers of eligible individuals.

24           3. Block grant proposals. Proposals for community  
25 services' block grant funds submitted to the Legis-  
26 lature by the division shall be developed jointly  
27 with representatives of the community action agencies  
28 and shall:

29           A. Be approved, prior to submission to the Legis-  
30 lature, by the Community Services Advisory Board;

31           B. Include a description of current usages of  
32 community services' block grant funds and how the  
33 plan proposes to change that distribution;

34           C. Retain the absolute minimum necessary for  
35 state administrative costs; and

36           D. Provide for maximum flexibility within commu-  
37 nity action agencies for the usage of community  
38 services' block grant funds.

1           Sec. 2. Transition. The Division of Community  
2 Services, as established by Fiscal Year 1976 Execu-  
3 tive Order No. 4, shall serve as the Division of Com-  
4 munity Services, subject to the provisions of this  
5 chapter.

6           All community action agencies existing as of the  
7 effective date of this Act shall receive temporary  
8 designation by the Division of Community Services.  
9 Within one year, permanent designation will be  
10 granted to all community action agencies meeting the  
11 requirements of this Act.

12           Any community action agency existing as of the  
13 effective date of this Act which does not receive  
14 permanent designation shall have the right to appeal  
15 that action to the Governor. Upon unsuccessful reso-  
16 lution, the community action agency may seek judicial  
17 review.

18   STATEMENT OF FACT

19           The Division of Community Services was estab-  
20 lished by Executive Order, Fiscal Year 1976 - Execu-  
21 tive Order No. 4, to provide technical assistance to  
22 the Community Services Administration' grantees  
23 within the State, to advocate for low income citizens  
24 and to administer federal programs such as  
25 weatherization and fuel assistance. The division now  
26 acts as grantee for federal community services' block  
27 grants. This bill places the division in the Revised  
28 Statutes and gives the Legislature control over how  
29 it is set up. In addition, the bill delineates  
30 responsibilities of the division and its grantee  
31 agencies. Flexibility for local agencies will be  
32 maintained.

33           The bill also establishes a Community Services  
34 Advisory Board to advise the Governor and Legislature  
35 and make recommendations concerning programs and  
36 policies of the division.

37           The bill establishes a designation process for  
38 local community action agencies, conditions for  
39 evaluations and withdrawal of designation, powers and  
40 duties of local agencies and conditions for receipt

1 of local and federal funds. Guidelines for local  
2 agency governing boards are included as is an alloca-  
3 tion formula for community services' block grant  
4 funds.

5 All currently existing agencies will receive  
6 temporary designation for one year following enact-  
7 ment of this bill. Permanent designation will follow  
8 satisfactory meeting of all requirements of this  
9 bill.

10 This bill also follows several recommendations of  
11 the Joint Standing Committee on Audit and Program  
12 Review.

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