

MAINE STATE LEGISLATURE

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(EMERGENCY)

FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 558

H.P. 456

House of Representatives, February 7, 1983

Referred to the Committee on Appropriations and Financial Affairs, sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Kelleher of Bangor.

STATE OF MAINE

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

**AN ACT Relating to Administration of
Appropriations and Allocations for the
Maine Human Services Council.**

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 shall be performed on or before July 1, 1983; 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,

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

3 PART A

4 Sec. 1. 22 MRSA §1, first ¶, as amended by PL
5 1981, c. 703, Pt. A, §4, is further amended to read:

6 The Department of Human Services, as heretofore
7 established and hereinafter in this Title called the
8 "department," shall consist of such bureaus and divi-
9 sions as may be required to carry out the work of the
10 department. ~~It shall also include the Committee on~~
11 ~~Children and Youth and the Maine Human Services~~
12 ~~Council.~~ The department shall have an official
13 department seal, which shall be judicially noticed.

14 Sec. 2. 22 MRSA §5304, sub-§6, as amended by PL
15 1975, c. 293, §4, is further amended to read:

16 6. Council. "Council" means the Maine Human Ser-
17 vices Council; ~~Maine Department of Human Services.~~

18 Sec. 3. 22 MRSA §5313, sub-§1, as amended by PL
19 1975, c. 293, §4, is repealed and the following
20 enacted in its place:

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

26 Sec. 4. 22 MRSA §5314, 5th ¶, as enacted by PL
27 1973, c. 793, §12, is amended to read:

28 Members shall be eligible for reappointment for
29 not more than 2 full consecutive terms and may serve
30 after the expiration of their term until their suc-
31 cessors have been appointed, qualified and taken
32 office. The appointing authority may terminate the
33 appointment of any member of the council for good and
34 just cause and the reason for the termination of each
35 appointment shall be communicated to each member so
36 terminated. The appointment of any member of the
37 council shall be terminated if a member is absent
38 from 3 consecutive meetings without good and just

1 cause that is communicated to the chairman. An offi-
2 cial, employee, consultant or any other individual
3 employed, retained or otherwise compensated by or
4 representative of the Executive Branch of the Govern-
5 ment of the State of Maine shall not be a member of
6 the council; but shall assist the council if so
7 requested. ~~The director of the bureau or his repre-~~
8 ~~sentative shall attend all meetings of the council.~~

9 Sec. 5. 22 MRSA §5315, 2nd ¶, as enacted by PL
10 1973, c. 793, §12, is amended to read:

11 The council ~~is authorized to~~ may employ, subject
12 to the Personnel Law, such staff as is necessary to
13 carry out its objectives. The council ~~is authorized~~
14 ~~to~~ may employ consultants and contract for such
15 projects as it deems necessary. ~~The department and~~
16 ~~the bureau~~ State agencies, to the extent feasible and
17 reasonable, shall make available to the council such
18 staff, facilities, equipment, supplies, information
19 and other assistance as it may reasonably require to
20 carry out its activities.

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

23 Any reasonable and proper expenses of the council
24 shall be borne ~~by the bureau~~ out of currently avail-
25 able state or federal funds. Each member of the coun-
26 cil shall be entitled to receive \$25 per day for com-
27 pensation of the time actually spent in the perfor-
28 mance of his duties and may be reimbursed on the same
29 basis as employees of state departments for the actu-
30 al travel and other necessary expenses incurred in
31 the performance of his duties. The council ~~is~~
32 ~~authorized to~~ may appoint subcommittees consisting of
33 its own members and ~~to~~ allow guests of the council to
34 attend any and all meetings.

35 Sec. 7. 22 MRSA §5316, sub-§§1 and 2, as enacted
36 by PL 1973, c. 793, §12, are amended to read:

37 1. Advise, consult and assist. Advise, consult
38 and assist the Executive and Legislative Branches of
39 State Government, especially the Governor, on activi-
40 ties of State Government related to human services,
41 except those related to older people. The council

1 shall be solely advisory in nature. The council may
2 make recommendations regarding any function intended
3 to improve the quality of ~~such~~ those human services.
4 If findings, comments or recommendations of the coun-
5 cil vary from or are in addition to those of ~~the~~
6 ~~bureau or department~~ a state agency, ~~such~~ those
7 statements of the council shall be sent to the
8 respective branches of State Government as attach-
9 ments to those submitted by ~~the bureau or department~~
10 a state agency. Recommendations may take the form of
11 proposed budgetary, legislative or policy actions;

12 2. Serve as an advocate. Serve as an advocate
13 on behalf of human services, except services to older
14 people, promoting and assisting activities designed
15 to meet at the national, state and community levels
16 the problems of ~~such~~ those human services. The coun-
17 cil shall serve as an ombudsman on behalf of indi-
18 vidual citizens as a class in matters relating to
19 ~~such~~ those human services under the jurisdiction of
20 State Government. It shall be a spokesman on behalf
21 of ~~such~~ those human services to ~~the director, commis-~~
22 ~~sioner~~ state agencies, Governor, Legislature,
23 public-at-large and National Government;

24 Sec. 8. 22 MRSA §5316, sub-§3, as amended by
25 P&SL 1975, c. 90, §C, §5, is further amended to read:

26 3. Serve as advisory committee. Serve as the
27 advisory committee on behalf of the State of Maine to
28 the state agency relating to or as may be required by
29 state or federal laws and regulations governing
30 administration of programs authorized by this Part
31 and so much of the several Acts, amendments and suc-
32 cessors to them enacted by the people of the State ~~of~~
33 Maine and those authorized by the several United
34 States Acts, amendments and successors to them as
35 relate to human services, including services to older
36 people funded by Title VI, or their successors or
37 amendments or additions thereto, of the Social Secur-
38 ity Act, as amended, and excepting all other services
39 to older people:

40 A. The Priority Social Services Act of 1973,
41 except services to older people in accordance
42 with section 6108; and

1 B. Title IV and VI, or their successors or
2 amendments or additions thereto, of the United
3 States Social Security Act, as amended, except
4 those services to older people funded under Title
5 VI, or their successors or amendments or addi-
6 tions thereto, of the United States Social Secur-
7 ity Act, as amended.

8 The council shall advise concerning state and federal
9 plans, policies, programs and other activities relat-
10 ing to human services, except services to older
11 people. The council shall submit its recommendations
12 and comments on the state plan, and any revisions
13 thereof, and reports to federal or state agencies.
14 Statements at variance with or in addition to those
15 of ~~the bureau or department~~ a state agency shall be
16 attached to the plan or reports upon submission ~~by~~
17 ~~the bureau~~ to agencies of the United States Govern-
18 ment or to state agencies;

19 Sec. 9. 22 MRSA §5316, sub-~~§§~~4, 5, 6 and 8, as
20 enacted by PL 1973, c. 793, §12, are amended to read:

21 4. Serve as review committee. Serve, through a
22 subcommittee of the council, consisting of 5 persons
23 including the chairman and 4 other members appointed
24 by the chairman ~~with the advice and consent of the~~
25 ~~Governor~~, as the review committee on behalf of the
26 State of Maine responsible for analysis of proposals
27 and submission of advisory recommendations ~~to the~~
28 ~~director~~ concerning the acceptability of proposals
29 requesting award of state administered grant funds
30 under such as, but not limited to, those Acts enumer-
31 ated in subsection 3. In order to insure coordination
32 and prevent duplication of ~~such~~ those human services
33 and shall review and comment on, under its own ini-
34 tiative or at the request of any state or federal
35 department or agency, any proposed agreement or
36 agreement from any agency or organization within the
37 State to a state or federal department or agency for
38 assistance related to the provision of human ser-
39 vices;

40 5. Review and evaluate. Review and evaluate on
41 a continuing basis ~~in consultation with the bureau~~
42 ~~for the purpose of determining the purpose,~~ the value
43 and impact on the lives of people, state and federal

1 policies regarding human services programs and other
2 activities affecting people, except older people,
3 conducted or assisted by any state departments or
4 agencies;

5 6. Inform the public. Inform the public, ~~in~~
6 ~~consultation with the bureau,~~ to develop a firm
7 public understanding of the current status of the
8 human services, except services to older people in
9 Maine, including information on effective programs
10 elsewhere in the State or Nation, by collecting and
11 disseminating information, conducting or commission-
12 ing studies and publishing the results thereof and by
13 issuing publications and reports;

14 8. Administer funds. Administer, in accordance
15 with current fiscal and accounting regulations of the
16 State, and in accordance with the philosophy, objec-
17 tives and authority of this Part and Part 2, any
18 funds appropriated for expenditure by the council or
19 any grants or gifts which may become available, ac-
20 cepted and received by the council; and make, ~~to be~~
21 ~~included in the annual report of the bureau, an~~
22 ~~annual report which shall be submitted directly to~~
23 ~~the director, commissioner, an annual report to the~~
24 Governor and Legislature not later than September 1st
25 of each year concerning its work, recommendations and
26 interests of the previous fiscal year and future
27 plans; and shall make such interim reports as it
28 deems advisable.

29 PART B

30 Appropriation. In order to provide for necessary
31 expenditures of the Maine Human Services Council for
32 the fiscal years ending June 30, 1984, and June 30,
33 1985, the following sums as designated in the follow-
34 ing tabulations, are appropriated out of any moneys
35 not otherwise appropriated.

	<u>1983-84</u>	<u>1984-85</u>	
36			
37	<u>MAINE HUMAN SERVICES COUNCIL</u>		
38	Personal Services	\$26,443	\$27,712
39	All Other	540	540

1	Provides funds		
2	for comprehen-		
3	sive analysis		
4	of block grants		
5	and categorical		
6	programs.		
7			
8		_____	_____
9	Total Appropriation	26,983	28,252
	- Allocation		
10	SOURCE:		
11	Positions	(1)	(1)
12	General Fund	26,983	28,252
13		_____	_____
14	Total by Source	\$26,983	\$28,252
15	<u>MAINE HUMAN SERVICES COUNCIL</u>		
16	Personal Services	\$16,244	\$16,838
17	Provides funds		
18	to assume costs		
19	of a position		
20	which is cur-		
21	rently feder-		
22	ally funded.		
23		_____	_____
24	Total Appropriation	16,244	16,838
25	- Allocation		
26	SOURCE:		
27	Positions	(1)	(1)
28	General Fund	16,244	16,838
29		_____	_____
30	Total by Source	16,244	16,838
31	MAINE HUMAN SERVICES COUNCIL,		
32	TOTAL	\$43,227	\$45,090
33	Emergency clause. In view of the emergency		
34	cited in the preamble, this Act shall take effect		
35	when approved.		

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STATEMENT OF FACT

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The purpose of Part A 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.

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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 income, medical, social and other 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 Mental Retardation and the Division of Community Services.

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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 not change the current administrative practice whereby support services for the council shall continue to be provided by the Department of Human Services, as it customarily provides support services for its subunits or programs.

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Part B of this bill provides additional funds to carry out the powers and duties of the council and to more appropriately match federal funds.

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