

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 832

H.P. 608

House of Representatives, March 17, 1989

Reference to the Committee on Human Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

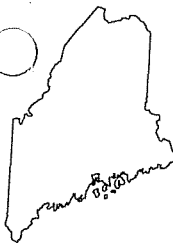
Presented by Representative FOSS of Yarmouth.

Cosponsored by Senator GILL of Cumberland, Representative JACKSON of Harrison and Representative PENDLETON of Scarborough.

STATE OF MAINE

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

**An Act to Establish the Office of Children within the Executive
Department.**



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

3 **Sec. 1. 2 MRSA §6, sub-§3,** as amended by PL 1987, c. 715, §1,
5 is further amended to read:

7 **3. Range 89** The salaries of the following state officials
and employees shall be within salary range 89:

9 Director of Public Improvements;

11 State Budget Officer;

13 State Controller;

15 Director of the Bureau of Forestry;

17 Chief of the State Police;

19 Director, State Planning Office;

21 Director, Energy Resources Office;

23 Public Advocate;

25 Commissioner of Defense and Veterans' Services;

27 Director of Human Resources; and

29 Executive Director, Retirement System; and

31 Director of Office of Children.

33 **Sec. 2. 5 MRSA c. 339** is enacted to read:

35

37 CHAPTER 339

37

39 OFFICE OF CHILDREN

39

41 §5101. Definitions

41

43 As used in this chapter, unless the context otherwise
indicates, the following terms have the following meanings.

45 1. Advisory committee. "Advisory committee" means the
47 Advisory Committee on Children.

47

49 2. Coordinating council. "Coordinating council" means the
Coordinating Council on Children.

51 3. Director. "Director" means the Director of the Office
of Children.

1 4. Office. "Office" means the Office of Children.

3 §5102. Office established

5 The Office of Children is established within the Executive
7 Department to provide a children's and youth services delivery
9 system that responds in a timely and effective manner to the
11 needs and problems of Maine children and youth. The Office of
13 Children is directly responsible to the Governor.

15 §5103. Duties

17 The office shall:

19 1. Develop a master plan. Develop a master plan for a
21 comprehensive and integrated statewide program of services,
23 including preventive services, for Maine children and youth. The
25 master plan shall include:

27 A. Short-term and long-range goals for a comprehensive,
29 integrated system of children and youth programs and
31 services;

33 B. A description of the types and scopes of services
35 currently provided to Maine children and youth;

37 C. A forecast of the types and scopes of services that
39 Maine children and youth will require over the 3 years
41 following the effective date of this section and in the long
43 term;

45 D. A description of alternate means of meeting projected
47 needs;

49 E. Funding priorities of various programs and services
51 designed to assist Maine children and youth;

F. A written plan for the prevention of child abuse and
 neglect;

G. A written comprehensive mental health plan for children
 and youth; and

H. An overall assessment of children's and youth services
 in Maine;

2. Cooperate with departments. Work closely and cooperate
 with the Department of Corrections, the Department of Educational
 and Cultural Services, the Department of Human Services and the
 Department of Mental Health and Mental Retardation with respect

1 to developing proposals and identifying needs and resources under
2 this chapter;

3 3. Identify programs and services. Identify programs and
4 services of state agencies and the private sector which are
5 designed in whole or in part to help children and youth;

6 4. Identify needs and problems. Identify the needs and
7 problems of Maine children and youth to determine the programs or
8 services necessary to meet these needs and problems;

9 5. Conduct studies. Conduct studies of any program,
10 service or facility to evaluate its effectiveness;

11 6. Propose alternative programs and services. Propose
12 alternative programs and services, including the combination of
13 existing programs and services, cooperative programs with the
14 private sector and any other alternatives considered feasible by
15 the director in consultation with the advisory committee; and

16 7. Serve as a central clearing house of information. Serve
17 as a central clearing house of information and referral service
18 with respect to children's and youth services.

19 **§5104. Director of Office of Children**

20 1. Appointment. The Governor shall appoint a full-time
21 Director of the Office of Children. The director shall serve at
22 the will of the Governor and until the director's successor is
23 appointed and qualified. The director shall be paid a salary in
24 accordance with Title 2, section 6, subsection 3.

25 2. Qualifications. The director must be qualified by
26 experience and interest in children's and youth services and
27 programs.

28 **§5105. Powers and duties of director**

29 The director shall have the powers and duties as defined in
30 this section.

31 1. Powers. The director may:

32 A. Employ and remove staff. Clerical staff shall be hired
33 in accordance with the Civil Service Law. Professional
34 staff shall serve at the pleasure of the director;

35 B. Propose feasible alternatives to current children's
36 programs and services when the alternatives, in the opinion
37 of the director, may address the problems and needs better
38 than current programs and services;

1 C. Conduct studies of other types of programs and services
3 that may have an impact on the provision of children's and
 youth services; and

5 D. Accept money from any source to implement the provisions
7 of this chapter. Any money that the office receives shall
 be accounted for in accordance with the requirements of the
 Department of Finance.

9
11 2. Duties. The director shall:

13 A. Develop a master plan for a comprehensive, integrated
15 statewide children's and youth services delivery system as
17 defined in this chapter. The master plan shall be completed
 by October 1, 1991. Any necessary implementing legislation
 shall be submitted by the director to the Second Regular
 Session of the 115th Legislature;

19 B. Review and evaluate programs of state agencies for
21 children and youth with respect to the following:

23 (1) The purpose of these programs and the degree to
 which the purpose is being met;

25 (2) The degree of significance of the purpose of the
27 programs and functions of the several state agencies;

29 (3) The extent of the coordination of programs and
 services;

31 (4) The needs, problems and opportunities that are not
33 being met by the programs and services of the several
 agencies;

35 (5) The types of programs and services necessary to
37 meet the needs, problems and opportunities in
 subparagraph (4);

39 (6) The problems and successes in children's and youth
41 services; and

43 (7) Any breakdowns or failures in the children's and
45 youth services delivery system including problems
 encountered by schools, the public and other
 organizations dealing with the service delivery system;

47 C. Develop a referral and central clearinghouse service
49 with respect to children's and youth services pursuant to
 section 5103, subsection 7. This service shall be designed
51 to:

1 (1) Respond to written and oral requests for
3 information about children's and youth assistance
 programs available throughout the State;

5 (2) Obtain and compile the most current and available
7 information pertaining to children's and youth
 assistance programs and services within the State;

9 (3) Delineate the children's and youth programs and
11 services by type of program, service and agency; and

13 (4) Maintain a list, to be updated annually, of
 children's and youth programs of state agencies with a
15 description of each program.

17 In developing this function, the director may publish a
 guide consisting of children's and youth programs and
19 services available from public or private sector
 organizations throughout the State;

21 D. Propose programs or services that can challenge,
23 motivate and encourage children and thereby serve as a
 preventative and remedial function;

25 E. Work closely and cooperate with the coordinating council
27 to develop a comprehensive and integrated statewide program
 of children's and youth services;

29 F. Solicit input from the advisory committee with respect
31 to children's and youth programs and services, including
 proposed programs and services, and the development of the
33 master plan; and

35 G. Beginning in 1991 and biennially thereafter, submit a
 report to the Governor and the joint standing committee of
37 the Legislature having jurisdiction over education matters
 and the joint standing committee of the Legislature having
39 jurisdiction over human resource matters no later than the
 first Friday following the first Tuesday in January. The
 report shall contain the following:

41 (1) the short-term and long-range goals of the office;

43 (2) the extent to which these goals are being met;

45 (3) A brief description of the State's children's and
47 youth services delivery system in Maine;

49 (4) the problems perceived by the office with respect
51 to the children's and youth services delivery system in
 the State;

1 (5) proposed means to remedy those problems; and

3 (6) the status, operation and effectiveness of the
5 central clearinghouse and referral service function of
 the office.

7 §5106. Coordinating Council on Children

9 The Coordinating Council on Children is established for the
11 purpose of reviewing and coordinating children's and youth
 programs services of state agencies throughout the State.

13 1. Membership; chair. The coordinating council shall
 consist of the following commissioners or their designees:

15 A. The Commissioner of Human Services;

17 B. The Commissioner of Corrections;

19 C. The Commissioner of Educational and Cultural Services;
21 and

23 D. The Commissioner of Mental Health and Mental Retardation.

25 For the purpose of this subsection, the term "designee" means a
27 person in a major policy-influencing position as defined in
 chapter 71.

29 The council shall annually elect a chair from its membership.

31 2. Duties. The coordinating council shall:

33 A. Work with the director to develop a master plan for a
35 comprehensive, integrated statewide children's and youth
 services delivery system as provided in section 5105,
 subsection 2;

37 B. Assist the director in developing a central
39 clearinghouse of information and referral service as
 provided in section 5105, subsection 2;

41 C. Cooperate and work closely with the advisory committee
43 with respect to evaluating state and private sector programs
 and services for children and youth; and

45 D. Cooperate with the director and the advisory committee
47 with respect to proposals for improving the quality,
49 responsiveness and scope of children's and youth programs
 and services.

51 §5107. Advisory Committee on Children

1 The Advisory Committee on Children is established to advise
2 the director with respect to children's and youth programs and
3 services and the development of a children's and youth services
4 delivery system.

5
6 1. Membership and appointments. The advisory committee
7 shall consist of the following members:

8 A. Two Senators with proven interest in children's and
9 youth services appointed by the President of the Senate.
10 The 2 major political parties in the Senate shall be equally
11 represented on the advisory committee;

12 B. Two Representatives with proven interest in children's
13 and youth services appointed by the Speaker of the House.
14 The 2 major political parties in the House shall be equally
15 represented on the advisory committee; and

16 C. Seven persons appointed by the Governor as follows:

17 (1) One person who works with juveniles in the field
18 of corrections;

19 (2) One person who works with children and youth in
20 the field of mental health;

21 (3) One person who works with mentally retarded
22 children;

23 (4) One person who works with children and youth who
24 are victims of abuse and neglect;

25 (5) One person who works with juveniles with alcohol
26 and drug abuse problems;

27 (6) One person who is a certified guidance counselor
28 in a school system; and

29 (7) One person who is a teacher with a proven interest
30 in helping students with nonacademic problems.

31
32 2. Terms of appointments; vacancies. The terms of the
33 legislative appointments are concurrent with the term of office
34 for which the Legislator has been elected. The terms of the
35 members appointed by the Governor are 3 years, except for the
36 initial appointees, who shall serve as follows:

37 A. The members in the fields of corrections and mental
38 health shall each serve an initial term of one year;

1 B. The members who work with mentally retarded children and
3 victims of abuse and neglect shall each serve an initial
 term of 2 years; and

5 C. The remaining members appointed by the Governor shall
7 serve initial terms of 3 years.

9 Members shall serve until their successors are appointed and
11 qualified. Vacancies shall be filled by the specified appointing
13 authorities for the remainder of that term.

15 3. Chair. The advisory committee shall annually elect a
17 chair from among its membership.

19 4. Duties. The advisory committee shall:

21 A. Advise the director and the coordinating council;

23 B. Advise the director with respect to the master plan for
25 a comprehensive, integrated statewide children's and youth
27 services delivery system;

29 C. Advise the director and coordinating council with
31 respect to the advisory committee's evaluation of state and
33 private sector programs and services for children and youth;

35 D. Present to the director and the coordinating council
37 proposals for improving the quality, responsiveness and
39 scope of children's and youth programs and services; and

41 E. Report annually to the Governor and to the joint
43 standing committee of the Legislature having jurisdiction
45 over education matters and the joint standing committee of
47 the Legislature having jurisdiction over human resource
49 matters. The report shall be submitted by the first Friday
 following the first Tuesday of January. The report shall
 succinctly describe the findings and recommendations of the
 advisory committee with respect to its tasks under this
 section.

Sec. 3. 5 MRSA §12004-I, sub-§2-A is enacted to read:

43	<u>2-A. Children</u>	<u>Advisory Committee</u>	<u>Expenses</u>	<u>5 MRSA</u>
45		<u>on Children</u>	<u>Only</u>	<u>§5107</u>

Sec. 4. 5 MRSA §12004-L, sub-§5 is enacted to read:

47	<u>5. Coordinating Council</u>	<u>Not Authorized</u>	<u>5 MRSA</u>
49	<u>on Children</u>		<u>§5106</u>

1

3

STATEMENT OF FACT

5

7 This bill creates an Office of Children within the Executive
9 Department. The office will develop a master plan by which a
11 comprehensive, integrated statewide children's and youth services
13 delivery system will be developed. In addition, the office will
15 serve as a central clearinghouse of information and referred
17 sources with respect to children's and youth services and
19 programs.

13

15 A Coordinating Council on Children consisting of the
17 Commissioner of Corrections; the Commissioner of Educational and
19 Cultural Services; Commissioner of Human Services; and
21 Commissioner of Mental Health and Mental Retardation will work
23 with the office to coordinate children's and youth services. In
25 addition, the coordinating council will assist in the development
27 of the master plan.

21

23 The Advisory Committee on Children, composed of 2 Senators,
25 2 Representatives and 7 persons who work with children and youth
27 in different capacities will also assist the director of the
office in the development of the master plan. The advisory
committee will provide advice to the office director and may
present proposals for consideration by the director and the
coordinating council.