

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1
3
5
7
9
11
13
15
17
19
21
23
25
27
29
31
33
35
37
39
41
43
45
47

L.D. 1640
(Filing No. H- 706)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1185, L.D. 1640, Bill, "An Act to Provide Funding for and to Amend Laws Governing the Maine Human Services Council"

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting in its place the following:

Sec. 1. 5 MRSA c. 19 is enacted to read:

CHAPTER 19

MAINE HUMAN DEVELOPMENT COMMISSION

§461. Commission established

The Maine Human Development Commission shall be within State Government as established by section 12004-J, subsection 3. It shall conduct activities to encourage, enhance and support the human development of adults, children and families. The commission shall be an independent commission, separate and distinct from any other organizational unit of State Government.

§462. Membership

1. Membership; qualifications. The commission shall consist of no more than 17 members, who, excepting members representing the Legislature, shall be appointed by the Governor. To be qualified to serve, members shall have education, training, experience, knowledge, expertise and interest in human development. Members shall be residents of different geographical areas of the State, who reflect experiential diversity and concern for human development in the State.

They shall be selected from outstanding people in the fields of education, health, income maintenance and security, juvenile

1 services, law, law enforcement, corrections, manpower, medical
2 care, mental health, mental retardation, poverty and community
3 action activities, rehabilitation, social service, welfare, youth
4 services, services to older people, and related areas. Members
5 shall have an unselfish and dedicated personal interest
6 demonstrated by active participation in human development
7 activities.

9 Membership shall include representatives of nongovernmental
10 organizations or groups and of public agencies concerned with
11 human development. At least 2 members shall be current members of
12 the Legislature, consisting of one member from the Senate
13 appointed by the President of the Senate to serve at the
14 President's pleasure and one member from the House of
15 Representatives appointed by the Speaker of the House of
16 Representatives to serve at the Speaker's pleasure. One private
17 citizen member shall be between the ages of 16 and 21, one shall
18 be age 60 or over, and one shall be representative of services to
19 children. Three members shall be persons who, at the time
20 appointed and qualified, shall be current consumers of human
21 development activities. Three members shall be officials of
22 public or private nonprofit community level agencies who are
23 actively engaged in human development in public or private
24 nonprofit community agencies. Six members shall be public members
25 who shall be citizens at large who are not consumers of human
26 development and who are not employees of any public or private
27 nonprofit human development agency.

29 2. Terms of office; vacancies. Members shall be appointed
30 for a term of 3 years, except that of the members first
31 appointed, 5 shall be appointed for a term of 3 years, 5 shall be
32 appointed for a term of 2 years and 5 shall be appointed for a
33 term of one year, as designated by the Governor at the time of
34 appointment; except that any member appointed to fill a vacancy
35 occurring prior to the expiration of the term for which that
36 member's predecessor was appointed shall be appointed only for
37 the remainder of such term, and except that members who are
38 members of the current Legislature and who are appointed by the
39 President of the Senate or the Speaker of the House of
40 Representatives shall serve at their pleasure. Any vacancy in the
41 commission shall not affect its powers, but shall be filled in
42 the same manner by which the original appointment was made.

43 Members shall be eligible for reappointment for not more than 2
44 full consecutive terms and may serve after the expiration of
45 their term until their successors have been appointed, qualified
46 and taken office. The appointing authority may terminate the
47 appointment of any member for good and just cause and the reason
48 for the termination of each appointment shall be communicated to
49 each member so terminated. The appointment of any member shall be
50 terminated if a member is absent from 3 consecutive meetings
51 without good and just cause that is communicated to the chair. An

1 official, employee, consultant or any other individual employed,
2 retained or otherwise compensated by or representative of the
3 executive branch of State Government shall not be a member of the
4 commission but shall assist the commission if so requested.

5
6 3. Officers. The Governor shall designate the chair from
7 among the members appointed to the commission. The commission may
8 elect other officers as appropriate.

9
10 §463. Administrative authority

11
12 1. Meetings. The commission shall meet at the call of the
13 chair or at the call of 1/4 of the members appointed and
14 currently holding office. The commission shall meet at least once
15 every 3 months and shall keep minutes of all meetings, including
16 a list of people in attendance.

17
18 2. Staff. The commission may employ, subject to the Civil
19 Service Law, staff necessary to carry out the objectives of the
20 commission. The commission may employ consultants and contract
21 for necessary projects. State agencies, to the extent feasible
22 and reasonable, shall make available to the commission staff,
23 facilities, equipment, supplies, information and other assistance.

24
25 3. Expenses. Any reasonable and proper expenses of the
26 commission shall be provided from currently available state or
27 federal funds. Each member of the commission shall be
28 compensated according to the provisions of chapter 379. The
29 commission may appoint subcommittees consisting of members of the
30 commission and nonmembers and may allow guests to attend meetings.

31
32 4. Voting; quorum. A majority of the commission members
33 shall constitute a quorum for the purpose of conducting business
34 and exercising all powers. A vote of the majority of the members
35 present shall be sufficient for all actions.

36
37 5. Funding. Any and all reasonable steps shall be taken to
38 provide federal matching funds on a high priority basis for the
39 commission. All expenditures eligible for federal funds shall be
40 claimed at the highest appropriate rate of federal matching funds
41 pursuant to federal laws, or successive federal laws or
42 amendments or additions to those laws, including, but not limited
43 to, the laws relating to Title XX Social Services, Title XIX
44 Medicaid and Title IV or Title VI, of the United States Social
45 Security Act, as amended, Aid to Families with Dependent
46 Children, alcoholism, drug abuse and mental health, child abuse,
47 developmental disabilities, education, energy, health, juvenile
48 justice, low-income energy assistance, and other human
49 development, health, income supplementation, social service,
50 training, transportation or winterization funds or grants or

1 federal block grants. Any balances of funds appropriated to the
2 commission remaining at the end of a fiscal year shall not lapse
3 but shall be carried forward from year to year to be expended for
4 the same purpose.

5 §464. Powers and duties

6 Regarding the human development of adults, children and
7 families, the commission shall:

8 1. Advise, consult and assist. Advise, consult and assist
9 the executive and legislative branches of State Government,
10 especially the Governor, on activities of State Government
11 related to human development, except those related to older
12 people. The commission shall be solely advisory in nature. The
13 commission may make recommendations regarding any function
14 intended to improve the quality of human development. If
15 findings, comments or recommendations of the commission vary from
16 or are in addition to those of a state agency, those statements
17 of the commission shall be sent to the respective branches of
18 State Government as attachments to those submitted by a state
19 agency. Recommendations may take the form of proposed budgetary,
20 legislative or policy actions;

21 2. Serve as advocate. Serve as an advocate on behalf of
22 human development, except services to older people, promoting and
23 assisting activities designed to meet at the national, state and
24 community levels, problems related to human development. The
25 commission shall serve as an ombudsman on behalf of individual
26 citizens as a class in matters relating to human development
27 activities under the jurisdiction of State Government. It shall
28 be a spokesperson on behalf of human development matters to state
29 agencies, the Governor, the Legislature, the public-at-large and
30 the Federal Government;

31 3. Serve as advisory committee. Serve as the advisory
32 committee on behalf of the State to the state agency relating to
33 or as required by state or federal laws and regulations and the
34 several Acts, amendments and successors to them enacted by the
35 people of the State and those authorized by the several United
36 States Acts, amendments and successors to them as relate to human
37 development, including services to older people funded by Title
38 VI, or their successors or amendments or additions thereto, of
39 the United States Social Security Act, as amended, and excepting
40 all other services to older people;

41 A. The Priority Social Services Act of 1973, except
42 services to older people in accordance with Title 22,
43 section 6108; and

44 B. Title IV and VI, or successive laws or amendments or
45 additions to those laws, of the United States Social

1 Security Act, as amended, except those services to older
2 people funded under Title VI, or their successors or
3 amendments or additions thereto, of the United States Social
4 Security Act, as amended.

5
6 The commission shall advise concerning state and federal plans,
7 policies, programs and other activities relating to human
8 development, except services to older people. The commission
9 shall submit its recommendations and comments on the state plan,
10 and any revisions and reports to federal or state agencies.
11 Statements at variance with or in addition to those of a state
12 agency shall be attached to the plan or reports upon submission
13 to agencies of the Federal Government or to state agencies;

14 4. Serve as review committee. Serve, through a
15 subcommittee of the commission, as a review committee responsible
16 for analysis of proposals and submission of advisory
17 recommendations concerning the acceptability of proposals
18 requesting award of state administered grant funds such as, but
19 not limited to, those Acts enumerated in subsection 3. Also, it
20 is intended that the commission is authorized, but is not
21 limited, to review proposals received and contracts being
22 developed and administered by the Department of Corrections,
23 Division of Community Services, the Department of Educational and
24 Cultural Services, the Department of Human Services, the
25 Department of Mental Health and Mental Retardation and other
26 state agencies affecting human development endeavors. In order
27 to ensure coordination and prevent duplication of human
28 development activities the commission may review and comment on,
29 under its own initiative or at the request of any state or
30 federal department or agency, any proposed agreement or agreement
31 from any agency or organization within the State to a state or
32 federal department or agency for assistance related to the
33 provision of human development activities;

34
35 5. Review and evaluate. Review and evaluate on a
36 continuing basis the purpose, the value and impact on the lives
37 of people, state and federal policies regarding human development
38 and other activities affecting people, except older people,
39 conducted or assisted by any state departments or agencies;

40
41 6. Inform the public. Inform the public to develop a firm
42 public understanding of the current status of human development,
43 except services to older people in the State, including
44 information on effective programs elsewhere in the State or
45 nation, by collecting and disseminating information, conducting
46 or commissioning studies and publishing the results of these
47 studies and by issuing publications and reports;

48
49 7. Provide public forums. Provide public forums, including
50 the conduct of public hearings, sponsorship of conferences,
51

1 workshops and other such meetings, to obtain information about,
2 discuss and publicize the needs of and solutions to human
3 development problems, except problems of older people; and

5 8. Administer funds. Administer, in accordance with current
6 fiscal and accounting regulations of the State, any funds
7 appropriated for expenditure by the commission or any grants or
8 gifts which may become available, accepted and received by the
9 commission; and make an annual report to the Governor and
10 Legislature concerning its work, recommendations and interests of
11 the previous fiscal year and future plans; and shall make such
12 interim reports as it deems advisable.

13
14 **Sec. 2. 5 MRSA §12004-J, sub-§3, as enacted by PL 1987, c.**
15 **786, §5, is amended to read:**

17	3. Human	Maine Human	\$25/Day	22 5 MRSA
18	Services Develop-	Services-Council		§5313 §461
19	ment	Development Com-		
20		mission		

21 **Sec. 3. 22 MRSA §1, 4th ¶, as repealed and replaced by PL**
22 **1977, c. 674, §19, is amended to read:**

25 The Director, Bureau of Resource Development and the
26 Director, Bureau of Maine's Elderly, shall be appointed by the
27 commissioner, after consultation with the Maine Committee on
28 Aging and the Maine Human Services--Council Development
29 Commission. Each of these directors shall be appointed and serve
30 in the unclassified service at the pleasure of the commissioner.
31 Any vacancy in each of these positions shall be filled by
32 appointment as in this paragraph for a like term.

33 **Sec. 4. 22 MRSA c. 1475, as amended is repealed.**

35 **Sec. 5. Transitional provisions.** The Maine Human Development
36 Commission shall be the successor in every way to the powers,
37 duties and functions of the former Maine Human Services Council,
38 or any of its administrative units, except as otherwise provided
39 by this Act.

41 1. Rules, regulations and procedures. All existing
42 regulations in effect, in operation or promulgated in or by the
43 Maine Human Services Council or in or by any administrative units
44 or officers of the council, are hereby declared in effect and
45 shall continue in effect until rescinded, revised or amended by
46 the proper authority.

49 2. Contracts, agreements, compacts. All existing
50 contracts, agreements and compacts currently in effect in the
51 Maine Human Services Council shall continue in effect.

