

MAINE STATE LEGISLATURE

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House of Representatives, May 11, 1989

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

Ed Pert

EDWIN H. PERT, Clerk

Presented by Representative CARROLL of Gray.
Cosponsored by Senator GAUVREAU of Androscoggin.

STATE OF MAINE

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

An Act to Provide Funding for and to Amend Laws Governing the
Maine Human Services Council.

(EMERGENCY)



1 who reflect experiential diversity and concern for human services
2 development in the State.

3
4 They shall be selected from outstanding people in the fields
5 of education, health, income maintenance and security, juvenile
6 services, law, law enforcement, corrections, manpower, medical
7 care, mental health, mental retardation, poverty and community
8 action activities, rehabilitation, social service, welfare, youth
9 services, services to older people, and related areas. Members
10 shall have an unselfish and dedicated personal interest
11 demonstrated by active participation in human service ~~programs~~
12 development endeavors.

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

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

49
50
51 Members shall be eligible for reappointment for not more
than 2 full consecutive terms and may serve after the expiration
of their term until their successors have been appointed,

1 qualified and taken office. The appointing authority may
3 terminate the appointment of any member of the council commission
5 for good and just cause and the reason for the termination of
7 each appointment shall be communicated to each member so
9 terminated. The appointment of any member of the council
11 commission shall be terminated if a member is absent from 3
13 consecutive meetings without good and just cause that is
communicated to the chairman chair. An official, employee,
consultant or any other individual employed, retained or
otherwise compensated by or representative of the Executive
Branch of the Government of the State of ~~Maine~~ shall not be a
member of the council commission; but shall assist the council
commission if so requested.

15 The Governor shall designate the chairman chair from among
17 the members appointed to the council commission. The council
19 commission may elect such other officers from its members as it
deems appropriate.

21 §5315. Administrative authority

23 The council commission shall meet at the call of the
25 chairman chair or at the call of 1/4 of the members appointed and
27 currently holding office. The council commission shall meet at
least once every 3 months. The council commission shall keep
minutes of all meetings, including a list of people in
attendance. ~~Minutes of all meetings shall be sent forthwith to
the Governor and the leadership of the Legislature.~~

29 ~~The council may employ, subject to the Civil Service Law,
31 such staff as is necessary to carry out its objectives. The
33 council may employ consultants and contract for such projects as
it deems necessary. State agencies, to the extent feasible and
35 reasonable, shall make available to the council such staff,
facilities, equipment, supplies, information and other assistance
as it may reasonably require to carry out its activities.~~

37 The commission may employ, subject to the Civil Service Law,
39 such staff as is necessary to carry out its statutory powers and
41 duties. The commission is authorized to utilize the direct hire
43 provision when recruiting potential employees. The compensation
45 of the commission's executive director shall be set within range
47 32 of the salary schedule applicable to confidential employees.
49 The commission may employ consultants and contract for such
projects as it deems necessary. State agencies, to the extent
feasible and reasonable, shall make available to the commission
such staff, facilities, equipment, supplies, information and
other assistance as it may reasonably require to carry out its
activities.

51 Any reasonable and proper expenses of the council commission
shall be borne out of currently available state or federal funds.

1 Each member of the seeneil commission shall be compensated
2 according to the provisions of Title 5, chapter 379. The seeneil
3 commission may appoint subcommittees consisting of its own
4 members and allow guests of the seeneil commission to attend any
5 and all meetings.

7 A majority of the seeneil commission members shall
8 constitute a quorum for the purpose of conducting the business of
9 the seeneil commission and exercising all the powers of the
10 seeneil commission. A vote of the majority of the members present
11 shall be sufficient for all actions of the seeneil commission.

13 Any and all reasonable steps shall be taken to provide
14 federal matching funds on a high priority basis for the seeneil
15 commission. All expenditures of the seeneil commission eligible
16 for federal funds shall be claimed at the highest appropriate
17 rate of federal matching funds pursuant to various federal laws,
18 including, but not limited to, those relating to Title XX Social
19 Services, Title XIX Medicaid and Title IV or Title VI, or their
20 successors or amendments or additions thereto, of the United
21 States Social Security Act, as amended, Aid to Families with
22 Dependent Children of the United States Social Security Act,
23 federal block grant funds, alcoholism, drug abuse and mental
24 health, child abuse, developmental disabilities, education,
25 energy, health, juvenile justice, low-income energy assistance,
26 and other human development, health, income supplementation,
27 social service, training, transportation or winterization funds
28 or grants. Any balances of funds appropriated to the Maine Human
29 Services-Council Development Commission remaining at the end of a
30 fiscal year shall not lapse but shall be carried forward from
31 year to year to be expended for the same purpose.

33 **§5316. Powers and duties**

35 The seeneil commission shall have, regarding human services
36 development endeavors, including services to older people funded
37 by Title VI, or their successors or amendments or additions
38 thereto, of the United States Social Security Act, as amended,
39 and excepting all other services to older people, the power and
40 duty to:

41
42 **1. Advise, consult and assist.** Advise, consult and assist
43 the Executive and Legislative Branches of State Government,
44 especially the Governor, on activities of State Government
45 related to human services development endeavors, except those
46 related to older people. The seeneil commission shall be solely
47 advisory in nature. The seeneil commission may make
48 recommendations regarding any function intended to improve the
49 quality of those human services development endeavors. If
50 findings, comments or recommendations of the seeneil commission
51 vary from or are in addition to those of a state agency, those
statements of the seeneil commission shall be sent to the

1 respective branches of State Government as attachments to those
3 submitted by a state agency. Recommendations may take the form of
 proposed budgetary, legislative or policy actions;

5 2. Serve as an advocate. Serve as an advocate on behalf of
7 human services development endeavors, except services to older
 people, promoting and assisting activities designed to meet at
9 the national, state and community levels the problems of those
 human services development endeavors. The ceuneil commission
11 shall serve as an ombudsman on behalf of individual citizens as a
 class in matters relating to these human services development
13 endeavors under the jurisdiction of State Government. It shall be
 a spokesman spokesperson on behalf of these human services
15 development endeavors to state agencies, Governor, Legislature,
 public-at-large and National Government;

17 3. Serve as advisory committee. Serve as the advisory
19 committee on behalf of the State to the state agency relating to
 or as may be required by state or federal laws and regulations
21 governing administration of programs authorized by this Part and
 so much of the several Acts, amendments and successors to them
23 enacted by the people of the State and those authorized by the
 several United States Acts, amendments and successors to them as
25 relate to human services development endeavors, including
 services to older people funded by Title VI, or their successors
27 or amendments or additions thereto, of the United States Social
 Security Act, as amended, and excepting all other services to
 older people:

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

33 B. Title IV and VI, or their successors or amendments or
35 additions thereto, of the United States Social Security Act,
 as amended, except those services to older people funded
37 under Title VI, or their successors or amendments or
 additions thereto, of the United States Social Security Act,
 as amended.

39 The ceuneil commission shall advise concerning state and federal
41 plans, policies, programs and other activities relating to human
 services development endeavors, except services to older people.
43 The ceuneil commission shall submit its recommendations and
 comments on the state plan, and any revisions thereof, and
45 reports to federal or state agencies. Statements at variance with
 or in addition to those of a state agency shall be attached to
47 the plan or reports upon submission to agencies of the United
 States Government or to state agencies;

49 4. Serve as review committee. Serve, through a
51 subcommittee of the ceuneil commission, ~~consisting of 5 persons~~
 ~~including the chairman and 4 other members appointed by the~~

1 chairman, as the review committee en--behalf--of--the--State
2 responsible for analysis of proposals and submission of advisory
3 recommendations concerning the acceptability of proposals
4 requesting award of state administered grant funds such as, but
5 not limited to, those Acts enumerated in subsection 3. Also, it
6 is intended that the commission is authorized to review proposals
7 received and contracts being developed and administered by the
8 Division of Community Services, Department of Correction, the
9 Department of Educational and Cultural Services, the Department
10 of Human Services, the Department of Mental Health and Mental
11 Retardation and other state agencies affecting human development
12 endeavors. In order to insure coordination and prevent
13 duplication of those human services development endeavors and
14 shall review and comment on, under its own initiative or at the
15 request of any state or federal department or agency, any
16 proposed agreement or agreement from any agency or organization
17 within the State to a state or federal department or agency for
18 assistance related to the provision of human services development
19 endeavors;

21 5. Review and evaluate. Review and evaluate on a
22 continuing basis the purpose, the value and impact on the lives
23 of people, state and federal policies regarding human services
24 programs development endeavors and other activities affecting
25 people, except older people, conducted or assisted by any state
26 departments or agencies;

27 6. Inform the public. Inform the public to develop a firm
28 public understanding of the current status of the human services
29 development endeavors, except services to older people in Maine
30 the State, including information on effective programs elsewhere
31 in the State or nation, by collecting and disseminating
32 information, conducting or commissioning studies and publishing
33 the results thereof and by issuing publications and reports;

34 7. Provide public forums. Provide public forums, including
35 the conduct of public hearings, sponsorship of conferences,
36 workshops and other such meetings, to obtain information about,
37 discuss and publicize the needs of and solutions to human service
38 development problems, except problems of older people; and

39 8. Administer funds. Administer, in accordance with current
40 fiscal and accounting regulations of the State, and in accordance
41 with the philosophy, objectives and authority of this Part and
42 Part 2, any funds appropriated for expenditure by the ~~council~~
43 commission or any grants or gifts which may become available,
44 accepted and received by the ~~council~~ commission; and make an
45 annual report to the Governor and Legislature not later than
46 September 1st of each year concerning its work, recommendations
47 and interests of the previous fiscal year and future plans; and
48 shall make such interim reports as it deems advisable.
49
50
51

1 This bill also clarifies the responsibilities of the Maine
Human Services Council by changing its name, updating its powers
3 and duties, and deleting obsolete language and administrative
procedures.