

MAINE STATE LEGISLATURE

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

COMMITTEE AMENDMENT "A" to H.P. 1199, L.D. 1666, Bill, "An Act to Establish the Department of Child and Family Services"

Amend the bill by striking out all of the title and inserting in its place the following:

'An Act to Establish the Department of Families and Children'

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

PART A

Sec. 1. 5 MRSA §12004-I, sub-§34-A is enacted to read:

<u>34-A. Human</u>	<u>Maine Advisory</u>	<u>Not Authorized</u>	<u>22-A MRSA</u>
<u>Development</u>	<u>Committee on</u>		<u>§201</u>
	<u>Families and</u>		
	<u>Children</u>		

Sec. 2. 22-A MRSA is enacted to read:

TITLE 22-A

HUMAN DEVELOPMENT

PART I

ADMINISTRATION AND ORGANIZATION

CHAPTER 1

DEPARTMENT OF FAMILIES AND CHILDREN

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§101. Department established

The Department of Families and Children is established within the executive branch to encourage, enhance and support the human development of families and children in this State, and to ameliorate family dysfunctions or child disabilities.

§102. Commissioner

1. Term. The department shall be administered by a commissioner who shall serve at the pleasure of the Governor.

2. Appointment. The appointment of the commissioner shall be as follows.

A. The commissioner shall be appointed by the Governor, subject to review of the joint standing committee of the Legislature having jurisdiction over children and family services and to confirmation by the Legislature.

B. The Governor shall include the chair of the Maine Human Development Commission in the selection process and shall ensure that the commission has an opportunity to meet and interview the candidate or candidates.

C. Within 10 days of meeting with the candidate or candidates, the commission shall present to the Governor its written appraisal of the strengths and weaknesses of the candidate or candidates.

D. The Governor shall consider the appraisal of the commission prior to posting the nomination of a candidate.

E. On the date the nomination of a candidate is posted, the commission shall present to the Legislature its written appraisal of the strengths and weaknesses of the nominee.

§103. Qualifications

To be appointed commissioner, a candidate must be qualified by postgraduate education and extensive experience in the field of human development and public administration, including public policy analysis and development, public financial and program matters, and legislative and executive branch relations.

CHAPTER 3

MAINE ADVISORY COMMITTEE ON FAMILIES AND CHILDREN

1 §201. Advisory committee established

3 1. Committee established. The Maine Advisory Committee on
5 Families and Children is established in accordance with Title 5,
7 chapter 379. It shall advise the executive and legislative
9 branches of State Government regarding the subject matter of the
legislative Act which established the Department of Families and
Children and related matters as presented to and considered by
the First Regular Session of the 114th Legislature.

11 §202. Membership

13 1. Membership. The advisory committee shall consist of no
15 more than 30 members. Members shall be appointed jointly by the
17 President of the Senate and the Speaker of the House of
19 Representatives and shall include:

21 A. Ten public members with extensive education and
23 experience with human development of families and children
25 and delivery of service through private, nonprofit and
27 public entities;

29 B. Eight classified state employees who perform
31 responsibilities in front-line service delivery,
33 supervision, administration, midmanagement and regional
35 management of human development services for families and
37 children representative of such programs operated by the
39 Department of Corrections, the Department of Educational and
41 Cultural Services, the Department of Human Services and the
43 Department of Mental Health and Mental Retardation; and 2
45 members representing the certified bargaining agents of the
47 employees of the affected state agencies; and

49 C. Ten persons who are knowledgeable and have demonstrated
51 extensive experience in programs and services relating to
human development of families and children. These members
shall also have extensive experience in programs and
services relating to advocacy, State Government advisory
organizations and provider associations as these relate to
children and families.

43 §203. Administrative matters

45 Members shall serve without compensation and payment of
47 expenses is not authorized. The chair shall be designated
jointly by the President of the Senate and the Speaker of the
House of Representatives.

49 **Sec. 3. Application.** Notwithstanding the establishment of the
51 Department of Families and Children in this Part, the department
shall undertake no administration of programs or services until
the plan developed by the Joint Select Committee

1 on Families and Children, pursuant to Part B, is adopted by the
Legislature, except that the department shall carry out the
3 provisions of this chapter.

5 **Sec. 4. Commissioner appointed.** A candidate for Commissioner
of Families and Children shall be nominated by the Governor
7 within 45 days of the effective date of this Act. Upon
confirmation by the Legislature, the commissioner shall be sworn
9 into office and commence full-time work within 30 days of
confirmation. The commissioner shall assist the committee with
11 preparation of a transition plan and implementation of the
department pursuant to Part B.

13 **PART B**

15 **Sec. 1. Transitional process of department.** There is established
17 a transitional process beginning within 10 days of the effective
date of this Act and ending October 1, 1991. A plan for
19 implementation of Part A shall be prepared and approved by March
31, 1990.

21 **Sec. 2. Implementation of department.** The department shall be
23 operational by July 1, 1990. During the period of July 1, 1990,
to July 10, 1992, the operation of the department shall be
25 monitored by the joint select committee, and this committee shall
prepare additional implementation plans and make reports as it
27 deems appropriate.

29 **Sec. 3. Joint select committee established.** There is established
the Joint Select Committee on Families and Children consisting of
31 13 members of the Legislature, including 3 members of the Senate
and 10 members of the House of Representatives as follows:

- 33
- 35 1. Two members of the Joint Standing Committee on
Appropriations and Financial Affairs;
 - 37 2. Two members of the Joint Standing Committee on Education;
 - 39 3. Two members of the Joint Standing Committee on Human
Resources;
 - 41 4. Two members of the Joint Select Committee on Corrections;
 - 43 5. Two members of the Joint Standing Committee on State and
45 Local Government; and
 - 47 6. Three other members of the Legislature.

49 Members of the Senate shall be appointed by the President of
the Senate and members of the House of Representatives shall be
51 appointed by the Speaker of the House of Representatives. All

1 members shall be appointed within 10 days of the effective date
of this Act.

3

Sec. 4. Executive branch assistance. The following officials of
5 the executive branch shall provide for assistance to the joint
select committee: the Commissioner of Corrections, the
7 Commissioner of Educational and Cultural Services, the
Commissioner of Human Services and the Commissioner of Mental
9 Health and Mental Retardation.

11 The Committee for the Interdepartmental Coordination of
Services to Children and Families, established under the Maine
13 Revised Statutes, Title 34-B, section 1214, and its chair shall
assist the joint select committee. At least one full-time
15 professional staff person employed in a position in one of the
departments listed in this section shall, subject to the
17 direction of the current chair of the Committee for the
Interdepartmental Coordination of Services to Children and
19 Families and the Commissioner of Families and Children, assist
the joint select committee. State agencies, to the extent
21 feasible and reasonable, shall make available, to the joint
select committee, staff, facilities, equipment, supplies,
23 information and other assistance as it may reasonably require to
carry out its responsibilities.

25

Sec. 5. Joint select committee charged. The committee shall
27 develop, in conjunction with the Commissioner of Families and
Children and other officials of executive branch agencies, a plan
29 to operate and implement the Department of Families and Children.

31 The operations and implementation plan shall be guided by
the department's statement of purpose, which is to encourage,
33 enhance and support the human development of families and
children in the State, and to ameliorate family dysfunctions or
35 child disabilities. That statement, as further described in this
Part, shall be the design concept to guide preparation of the
37 operations and implementation plan.

39

1. The operations and implementation plan shall provide:

41

A. Further definition of the statement of mission and
purpose, if needed;

43

B. A description of services and programs to be offered;

45

47

C. A statement of management responsibilities and lines of
authority;

49

D. An organizational chart;

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- 1 E. A listing of personnel positions and worker
responsibilities;
- 3
- 5 F. A chart of accounts and finances, including proposed
transfer of current appropriations and allocations as may be
needed;
- 7
- 9 G. An inventory of current facilities and space
utilization, and, if needed, proposals for relocation of
work places using existing facilities and space; and
- 11
- 13 H. Other appropriate operations and implementation matters.
- 15 2. The plan shall provide for the transfer, to the
Department of Families and Children, of the following existing
agencies that serve the needs of families and children:
- 17
- 19 A. The Bureau of Children with Special Needs of the
Department of Mental Health and Mental Retardation;
- 21
- 23 B. The Bureau of Social Services of the Department of Human
Services;
- 25
- 27 C. The family and child services functions of the Bureau of
Health of the Department of Human Services, including, but
not limited to, the handicapped children's program; genetic
disease program; public health nursing program; maternal and
child health program; adolescent pregnancy and parenting
program; family planning program; and women, infant and
children's program;
- 31
- 33 D. Child Development Services, Department of Educational
and Cultural Services;
- 35
- 37 E. The Headstart Program, Division of Community Services;
- 39
- 41 G. The Committee for the Interdepartmental Coordination of
Services to Children and Families; and
- 43
- 45 H. Any other administrative units or functions related to
the subject matter of these listed or other activities of
State Government serving families and children.
- 47
- 49 3. The plan shall authorize the department to prepare,
organize and offer educational, developmental, health, mental,
social and correctional services to carry out its duties. The
plan shall authorize the department to address subject matters
51 related to family functioning, family dysfunctions, child
development or child disabilities, including, but not limited to,

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1 adult abuse and neglect, alcoholism, preschool education, early
2 childhood development, low aspirations, child abuse and neglect,
3 drug abuse, family problems, family violence, juvenile
4 delinquency, mental illness, mental retardation, families and
5 children in poverty or with low income, school dropouts, special
6 education, substance abuse, truancy, teen pregnancy and teen
7 suicide.

9 4. The plan shall provide that the method of service
10 delivery by the department shall be functionally integrated to
11 offer holistic family-focused and child-focused services.
12 Families and children shall be served according to the principle
13 of one family to one case manager. All services of the
14 department shall be offered in a fully cooperative and
15 coordinated manner consistent with the department's functionally
16 integrated pattern of unified and consolidated operations.

17 5. The plan shall provide for implementing the policy that
18 families are and should continue to be the preferred environment
19 for raising children and caring for vulnerable family members.
20 The plan shall advance the goals of maintaining family and
21 children as a functioning social unit, providing services to
22 ameliorate family dysfunctions or family dissolution, thereby
23 empowering families and children to function independently of the
24 department, and protecting each family member from harm or
25 violence.

26 6. The implementation plan shall provide for the transfer
27 and relocation to the department of the agencies, programs and
28 activities listed. The programs shall be analyzed and
29 restructured to attain functional integration of services.

30 7. During preparation of the plan, the following matters
31 shall be considered:

32 A. Administration and organization of service based on one
33 or more of the following functional patterns:

34 (1) Ages of children and family members;

35 (2) Human development level of children and family
36 members;

37 (3) Administrative procedures applicable to serving
38 individuals, such as informational and referral,
39 awareness, education, early identification, assessment,
40 diagnosis, crisis intervention, stabilization,
41 residential, transition to independence and evaluation
42 of service effectiveness; and

43 (4) Other appropriate functionally integrated patterns
44 of service; and

1
3 B. Better coordination, integration and efficiency
5 improvement of certain administrative and service
7 activities. In addition, the plan shall provide for
9 maintaining or improving equitable geographical
accessibility to service which shall be based on the types
of services required by families and children. The
administrative and service activities to be reviewed shall
include, but not be limited to:

11 (1) Central offices;

13 (2) Regional offices;

15 (3) A single central office administrative unit to be
17 responsible for alternative residential care;

19 (4) A single central office administrative unit to be
responsible for purchase of service contracts; and

21 (5) Other appropriate administrative and service
23 activities.

25 **Sec. 6. Expenses.** The members of the joint select committee
27 shall be compensated in accordance with the Maine Revised
Statutes, Title 3, section 2, for meetings held when the
Legislature is not in session.

29 **Sec. 7. Report.** The joint select committee shall submit its
31 initial report, together with necessary implementing legislation,
33 by January 1, 1990, to the Second Regular Session of the 114th
35 Legislature, to amend, repeal and reallocate laws and make
appropriations and allocations to reflect the department's
powers, responsibilities and organization. The proposed
legislation shall provide that:

37 1. To the extent proposed legislation will affect existing
39 major policy-influencing positions which are identified in Title
41 5, chapter 71, or other existing positions not appointed pursuant
43 to the Civil Service Law, the appointments shall be made by the
Commissioner of Families and Children 10 days after written
notice has been provided to the Governor and Legislature;

45 2. Notwithstanding the Maine Revised Statutes, Title 5,
47 chapter 71, any person who is appointed as a bureau director to
49 serve in the Department of Families and Children shall be
appointed by the commissioner for a term coterminus with the
commissioner and may be removed from office during that term only
for cause;

51 3. The commissioner shall prepare a budget for the
department which shall be presented to the Governor and the joint

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1 select committee. The joint select committee may request the
 2 commissioner to provide the committee with an annual review of
 3 the budget, including any necessary adjustments. The
 4 commissioner shall provide the joint select committee with any
 5 budget information the committee requests; and

7 4. Any other recommendations, including legislation, would
 8 properly offer future benefit and service to the general welfare
 9 and safety of Maine families and children.

11 Legislation, proposing approval of the implementation plan,
 12 shall be provided to the Governor and Legislature no later than
 13 January 1, 1990.

15 **Sec. 8. Appropriation.** The following funds are appropriated
 16 from the General Fund to carry out the purposes of this Act.

	1989-90	1990-91
LEGISLATURE		
Committee on Families and Children		
Personal Services	\$3,575	
All Other	3,250	
Provides funds for per diem and meeting expenses.		
LEGISLATURE		
TOTAL	<u>\$6,825</u>	
FAMILIES AND CHILDREN, DEPARTMENT OF		
Positions	(2)	(2)
Personal Services	\$71,722	\$86,752
All Other	7,800	9,500
Capital Expenditures	7,180	
Provides funds for one commissioner, one secretary and other expenses necessary to design an operations and implementation plan for the Department of Families and Children.		
DEPARTMENT OF FAMILIES AND CHILDREN		
TOTAL	<u>\$86,702</u>	<u>\$96,252</u>

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TOTAL APPROPRIATIONS	<u>\$93,527</u>	<u>\$96,252'</u>
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Further amend the bill by inserting after the emergency clause and before the statement of fact the following:

FISCAL NOTE

When the plan to operate and implement the Department of Families and Children is developed and approved by the Legislature, it is anticipated that 3 1/2 positions could be eliminated. The elimination of these positions and related support funds are estimated to be approximately \$190,264 in fiscal year 1990-91 and can be deappropriated at that time.'

STATEMENT OF FACT

This amendment creates a Department of Families and Children, establishes the Joint Select Committee on Families and Children and authorizes and funds the position of commissioner of the department. Under the amendment, the Joint Select Committee on Families and Children is charged with the preparation of a plan to unify and consolidate several state agency activities currently serving families and children into a functionally integrated cabinet level department. The plan will define the department's purpose as the enhancement of human development and functioning of families, the amelioration of family or child disabilities and will outline administrative principles to guide the department's operation.

Reported by the Majority of the Committee on State and Local Government
Reproduced and distributed under the direction of the Clerk of the House
6/19/89

(Filing No. H-621)