

MAINE STATE LEGISLATURE

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

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

Amend the amendment in section A-2 in that part designated "~~§101.~~" by inserting at the end the following: 'It is a cabinet-level department, separate and distinct from any other agency of State Government.'

Further amend the amendment in section A-2 by striking out all of that part designated "~~§102.~~" and inserting in its place the following:

'§102. Commissioner

A commissioner, who serves at the pleasure of the Governor, shall administer the department. The Governor shall appoint the commissioner subject to review by the joint standing committee of the Legislature having jurisdiction over children and family services and to confirmation by the Legislature.'

Further amend the amendment in section A-2 in that part designated "~~§201.~~" in subsection 1 in the 2nd sentence (page 3, line 3 in amendment) by inserting after the following: "It" the following: 'is an independent committee which' and in the last line (page 3, line 5 in amendment) by striking out the following: "chapter" and inserting in its place the following: 'Part'

Further amend the amendment in section A-2 by striking out all of that part designated "~~§202.~~" and inserting in its place the following:

'§202. Membership

1. Membership. The advisory committee may not consist of more than 30 members who must be qualified as provided in this subsection. The Governor shall appoint members who qualify under

2 paragraph A or B. The President of the Senate and the Speaker of
3 the House of Representatives shall jointly appoint members who
4 qualify under paragraph C or D. A member appointed and qualified
5 under paragraph A, C or D may not be an official, employee,
6 consultant or any other individual employed or retained by the
7 executive branch of State Government. Membership is as follows:

8 A. Ten public members who must be chairs or members of
9 existing advisory committees related to children's issues,
10 and who are knowledgeable and have extensive experience
11 relating to human development of families and children,
12 advocacy, and state advisory organizations relating to
13 children and families;

14 B. Eight classified state employees who perform
15 responsibilities in frontline service delivery, supervision,
16 administration, midmanagement or regional management of
17 human development services for families and children in
18 programs operated by the Department of Corrections, the
19 Department of Education, the Department of Human Services
20 and the Department of Mental Health and Mental Retardation;

21 C. Two members representing the certified bargaining agents
22 of the employees of the state agencies listed in paragraph
23 B; and

24 D. Ten public members with extensive education and
25 experience in human development of families and children and
26 delivery of service through community-level private,
27 nonprofit and public entities and state-level provider
28 associations.'

29 Further amend the amendment in section A-3 in the last 2
30 lines (page 4, lines 1 and 2 in amendment) by striking out the
31 following: "the Maine Revised Statutes, Title 22-A, chapter 3"
32 and inserting in its place the following: 'this Act'

33 Further amend the amendment in section B-1 in the last 2
34 lines (page 4, lines 15 and 16 in amendment) by striking out the
35 following: "within 10 days of" and inserting in its place the
36 following: 'no later than'

37 Further amend the amendment by striking out all of section
38 B-2 and inserting in its place the following:

39 **'Sec. B-2. Timetable for presentation of plans; approval or**
40 **disapproval of plans; implementation and review of department.**

41 1. It is the intent of the Legislature that the Department
42 of Families and Children be operational by July 1, 1991. To
43 attain this intent:

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "C" to H.P. 1199,
L.D. 1666

2 A. An inventory of existing resources and description of
4 current services and administrative activities to be
6 functionally integrated to provide unified services pursuant
to this Act must be prepared by staff of the executive and
legislative branches beginning within 10 days of the
effective date of this Act;

8 B. Deliberations to prepare an implementation plan must be
10 commenced by the Joint Select Committee on Families and
12 Children working with executive branch leaders, the Maine
Advisory Committee on Families and Children, and with the
input of interested parties beginning by September 15, 1990;

14 C. An initial plan and legislation proposing implementation
16 of Part A of this Act must be presented by the Joint Select
18 Committee on Families and Children to the Governor and the
Legislature by February 1, 1991; and

20 D. Legislation authorizing appropriation and statutory
22 provisions to implement a unified department must be
considered by the Governor and the Legislature for approval
or disapproval by March 31, 1991.

24 2. During the period of July 1, 1991, to June 30, 1993,
26 officials of the executive and the legislative branches and the
Joint Select Committee on Families and Children shall monitor the
operation of the department. The officials and the committee are
28 authorized to present proposals for additional implementation
30 plans, make reports and prepare further legislation as each
determines appropriate. Implementation plans and legislation
32 must include reports to be presented by February 1, 1992, and
February 1, 1993, to the Governor and the Legislature for
approval or disapproval by March 31st of the same year in which
34 the reports are presented.'

36 Further amend the amendment in section B-3 in subsection 2
38 in the 3rd line (page 5, line 18 in amendment) by striking out
the following: "the following" and in the 4th line (page 5, line
19 in amendment) by striking out the following: "children" and
40 inserting in its place the following: 'children. The following
agencies, programs and activities are transferred'

42
44 Further amend the amendment in section B-3 in subsection 3
in the 2nd line (page 5, line 52 in amendment) by inserting after
the following: "health," the following: 'medical,' and in the
46 4th line from the end (page 6, line 8 in amendment) by inserting
after the following: "delinquency," the following: 'medical,'

2 Further amend the amendment in section B-3 in subsection 7
4 in paragraph A in subparagraph (3) in the 2nd line from the end
(page 6, line 49 in amendment) by striking out the following:
6 "residence" and inserting in its place the following:
'residential'

8 Further amend the amendment in section B-3 by inserting
after subsection 7 the following:

10
12 '8. The proposed plan and legislation must include adequate
and appropriate use of Medicaid and other funding of services for
14 families and children, including new options and uses, and must
provide for the securement of any necessary approval of the
Federal Government as expeditiously as possible.'

16
18 Further amend the amendment in section B-3 by renumbering
the subsections to read consecutively.

20 Further amend the amendment by inserting after section B-8
the following:

22
24 '**Sec. B-9. Independent committee authorization.** The Maine
Advisory Committee on Families and Children, established under
the Maine Revised Statutes, Title 22-A, chapter 3, shall advise,
26 consult and assist with carrying out this Act.'

28 Further amend the amendment in section B-9 in subsection 1
in paragraph B in the first and 2nd lines (page 9, lines 46 and
30 47 in amendment) by striking out the following: "one Deputy
Commissioner for Public Programs and External Affairs" and
32 inserting in its place the following: 'one Director of the
Office of Public Affairs and Communications'

34
36 Further amend the amendment in section B-11 in the 7th and
8th lines from the end (page 12, lines 6 and 7 in amendment) by
38 striking out the following: "Deputy Commissioner for Public
Programs and External Affairs" and inserting in its place the
40 following: 'Director of the Office of Public Affairs and
Communications'

42 Further amend the amendment in Part B by renumbering the
sections to read consecutively.

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48 STATEMENT OF FACT

50 This amendment provides a more well-defined transition
process and more detailed timetable to offer an improved
structure and forum for substantive deliberations regarding the
52 establishment of a Department of Families and Children. The

2 intent of the Legislature to establish the department is
maintained. To attain the purposes of the committee amendment,
4 this amendment clarifies that deliberations during the transition
process will address how to best organize state activities to
6 most appropriately meet the needs of families and children, and
how to coordinate with existing activities that may not be
8 authorized for transfer as a result of the review and design
process.

10 This amendment provides that:

12 1. A proposed plan of implementation and any necessary
legislation be presented to the Legislature and the Governor by
14 February 1, 1991, and explicitly states that these proposals may
be approved or disapproved;

16

18 2. Officials of the executive and legislative branches
shall work together on preparation of the proposed plan;

20 3. Subject to future approval or disapproval, transfer of
existing activities to the department as provided in the
22 committee amendment will occur, unless after deliberations the
Joint Select Committee on Families and Children recommends that
24 such a transfer:

26 A. Is prohibited by federal law; or

28 B. Is not in the best interest of helping families and
children;

30

32 4. Appointment of the Commissioner of Families and Children
by the Governor is streamlined by deleting appraisal of
candidates by the Maine Human Development Commission;

34

36 5. The Maine Advisory Committee on Families and Children is
independent and appointment of members is revised; and

38 6. A proposed budget for the department will be prepared
securing any necessary approval of the Federal Government as
40 expeditiously as possible. The use of federal funds, including
new options and uses, limitations, and any potential loss of
42 federal funds, will be reviewed during the transition process and
considered for approval or disapproval by the Governor and the
44 Legislature in the future.

Filed by Rep. Joseph of Waterville
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House
3/27/90

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