

MAINE STATE LEGISLATURE

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

COMMITTEE AMENDMENT "C" 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 title and before the statement of fact and inserting in its place the following:

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

PART A

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

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

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

TITLE 22-A

HUMAN DEVELOPMENT

PART 1

ADMINISTRATION AND ORGANIZATION

CHAPTER 1

DEPARTMENT OF FAMILIES AND CHILDREN

2 **§101. Department established**

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

10 **§102. Commissioner**

12 A commissioner, who serves at the pleasure of the Governor,
14 shall administer the department.

16 1. Appointment. The appointment of the commissioner is as
18 follows.

20 A. The Governor shall appoint the commissioner subject to
22 review of the joint standing committee of the Legislature
24 having jurisdiction over children and family services and to
26 confirmation by the Legislature.

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

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

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

48 E. On the date the nomination of a candidate is posted, the
50 commission shall present to the Legislature its written
52 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

§201. Advisory committee established

1 1. Committee established. The Maine Advisory Committee on
2 Families and Children is established in accordance with Title 5,
3 chapter 379. It shall advise, consult, and assist the executive
4 and legislative branches of State Government in implementing this
5 chapter.

6
7 **§202. Membership**

8
9 1. Membership. The advisory committee may not consist of
10 more than 30 members. Members are appointed jointly by the
11 President of the Senate and the Speaker of the House of
12 Representatives and include:

13
14 A. Ten public members with extensive education and
15 experience with human development of families and children
16 and delivery of service through community-level private,
17 nonprofit, and public entities, and state-level provider
18 associations;

19
20 B. Eight classified state employees who perform
21 responsibilities in frontline service delivery, supervision,
22 administration, midmanagement or regional management of
23 human development services for families and children in
24 programs operated by the Department of Corrections, the
25 Department of Educational and Cultural Services, the
26 Department of Human Services and the Department of Mental
27 Health and Mental Retardation;

28
29 C. Two members representing the certified bargaining
30 agents of the employees of the state agencies listed in
31 paragraph B; and

32
33 D. Ten public members who are knowledgeable and have
34 extensive experience relating to human development of
35 families and children, advocacy, state advisory
36 organizations relating to children and families, or programs
37 or services for children and families.

38
39 **§203. Administrative matters**

40
41 Members are not entitled to compensation and payment of
42 expenses is not authorized. The President of the Senate and the
43 Speaker of the House of Representatives shall jointly appoint the
44 chair. Members must be appointed no later than September 15,
45 1990.

46
47 **Sec. A-3. Application.** Notwithstanding the establishment of
48 the Department of Families and Children in this Part, the
49 department may not undertake administration of programs or
50 services until the plan developed by the Joint Select Committee
51 on Families and Children, pursuant to Part B of this Act, is
52 authorized by the Legislature and approved by the Governor,

2 except that the department shall carry out the provisions of the
Maine Revised Statutes, Title 22-A, chapter 3.

4 **Sec. A-4. Commissioner appointed.** Notwithstanding any other
6 provision of law, the Governor shall nominate a candidate for
Commissioner of Families and Children on and not before the first
8 Monday of January 1991. The commissioner shall be sworn into
office and commence the duties of the office upon confirmation by
the Legislature.

10 **PART B**

12 **Sec. B-1. Transitional process for department.** To attain full
14 implementation of a unified Department of Families and Children,
a transitional process is established that begins within 10 days
16 of the effective date of this Act and ends June 30, 1993.

18 **Sec. B-2. Timetable for presentation of plans and implementation of**
department. An initial plan and legislation proposing
20 implementation of Part A of this Act must be presented by
February 1, 1991, to the Governor and the Legislature for
22 approval by March 31, 1991. It is the intent of the Legislature
that the Department of Families and Children be operational by
24 July 1, 1991. During the period of July 1, 1991 to June 30,
1993, officials of the executive and the legislative branches and
26 the Joint Select Committee on Families and Children shall monitor
the operation of the department. The officials and the committee
28 are authorized to present proposals for additional implementation
plans, make reports and prepare further legislation as each
30 determines appropriate. Implementation plans and legislation
must include reports to be presented by February 1st of 1992 and
32 1993 to the Governor and the Legislature for approval by March
31st of the same year in which the reports are presented.

34 **Sec. B-3. Guidelines for content and preparation of plan.** The
36 implementation plan must be guided by the purpose of the
Department of Families and Children which is to encourage,
38 enhance and support the human development of families and
children in the State and ameliorate family dysfunctions and
40 child disabilities.

42 1. The implementation plan must provide:

44 A. Further definition of the department's purpose, if
needed;

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

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

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2 D. An organizational chart;

4 E. A listing of personnel positions and worker responsibilities;

6 F. A chart of accounts and finances, including proposed transfers of current appropriations and allocations as may
8 be needed;

10 G. An inventory of current facilities and space utilization
12 and, if needed, proposals for relocation of workplaces using existing facilities and space; and

14 H. Other appropriate operations and implementation matters.

16 2. It is the intent of the Legislature that the plan
18 provide for the transfer to the Department of Families and Children of the following existing agencies, programs and
20 activities that serve the needs of families and children:

22 A. The Department of Mental Health and Mental Retardation, Bureau of Children with Special Needs;

24 B. The Department of Human Services, Bureau of Child and Family Services;

26 C. The family and child services functions of the
28 Department of Human Services, Bureau of Health, including, but not limited to, the handicapped children's program, the genetic disease program, the public health nursing program, the maternal and child health program, the adolescent pregnancy and parenting program, the family planning program, and the women, infant and children's program;

34 D. The Department of Educational and Cultural Services, Child Development Services;

38 E. The Division of Community Services, Head Start Program;

40 F. All juvenile and youth correctional services of the Department of Corrections;

42 G. The Committee for the Interdepartmental Coordination of Services to Children and Families; and

46 H. Any other administrative units or functions related to
48 the subject matter of those listed in this subsection or other activities of State Government serving families and children.

50 3. The plan must authorize the department to prepare,
52 organize and offer educational, developmental, health, mental,

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2 social and correctional services to carry out its duties. The
3 plan must authorize the department to address subject matters
4 related to family functioning, family dysfunctions, child
5 development and child disabilities, including, but not limited
6 to, adult abuse and neglect, alcoholism, preschool education,
7 early childhood development, low aspirations, child abuse and
8 neglect, drug abuse, family problems, family violence, juvenile
9 delinquency, mental illness, mental retardation, families and
10 children in poverty or with low income, school dropouts, special
11 education, substance abuse, truancy, teen pregnancy and teen
12 suicide.

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

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

30
31 6. The programs must be analyzed and restructured to attain
32 functional integration of services.

33
34 7. During preparation of the plan, the following matters
35 must be considered:

36
37 A. Administration and organization of services based on one
38 or more of the following functional patterns:

- 39 (1) Ages of children and family members;
- 40
41 (2) Human development levels of children and family
42 members;
- 43
44 (3) Administrative procedures applicable to serving
45 individuals, such as information and referral,
46 awareness, education, early identification, assessment,
47 diagnosis, crisis intervention, stabilization,
48 residence, transition to independence and evaluation of
49 service effectiveness; and
50

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

4 B. Better coordination, integration, efficiency, and
improvement of certain administrative and service
6 activities. In addition, the plan must provide for
maintaining or improving equitable geographical
8 accessibility to services which must be based on the types
of services required by families and children. The
10 administrative and service activities to be reviewed
include, but are not be limited to:

12 (1) Central offices;

14 (2) Regional offices;

16 (3) A single central office administrative unit
18 responsible for alternative residential care;

20 (4) A single central office administrative unit
22 responsible for purchase of service contracts; and

24 (5) Other appropriate policy, administrative and
service activities.

26 8. The proposed plan and legislation must provide that:

28 A. To the extent proposals affect existing major
policy-influencing positions identified in the Maine Revised
30 Statutes, Title 5, chapter 71, or other existing positions
not appointed pursuant to the Civil Service Law, those
32 appointments must be made by the Commissioner of Families
and Children 10 days after written notice, identifying the
34 nominee and the nominee's qualifications, has been provided
to the Governor and the Legislature; and

36 B. Notwithstanding the Maine Revised Statutes, Title 5,
38 chapter 71, any person who is appointed as an initial bureau
director to serve in the Department of Families and Children
40 must be appointed by the commissioner for a term coterminous
with the term of the commissioner and may be removed from
42 office during that initial term only for cause.

44 **Sec. B-4. Department budget.** As one portion of the
implementation plan, a unified budget for the Department of
46 Families and Children must be prepared and presented to the
Governor and the Legislature, including the Joint Select
48 Committee on Families and Children, in accordance with the
timetable specified in section B-2 of this Act. An annual review
50 of the budget, including any necessary adjustments, must be
presented no later than February 1st of 1992 and 1993. The
52 Commissioner of Families and Children and other executive branch

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officials must provide the Legislature, including the Joint
Select Committee on Families and Children, with any
budget-related information that is requested.

Sec. B-5. Joint select committee established. The Joint Select
Committee on Families and Children is established and consists of
13 members of the Legislature, including 3 members of the Senate
and 10 members of the House of Representatives as follows:

1. Two members of the Joint Standing Committee on
Appropriations and Financial Affairs;

2. Two members of the Joint Standing Committee on Education;

3. Two members of the Joint Standing Committee on Human
Resources;

4. Two members of the Joint Select Committee on Corrections;

5. Two members of the Joint Standing Committee on State and
Local Government; and

6. Three other members of the Legislature.

Members of the Senate must be appointed by the President of
the Senate and members of the House of Representatives must be
appointed by the Speaker of the House of Representatives. All
members must be appointed no later than September 15, 1990.

Sec. B-6. Joint select committee charged. The Joint Select
Committee on Families and Children shall:

1. Develop, with officials of the executive branch, the
plan to operate and implement the Department of Families and
Children in accordance with the provisions of this Act. When the
Commissioner of Families and Children is sworn in and has taken
office, the committee, with the commissioner and other executive
branch officials, shall continue developing the plan;

2. Make reports, together with necessary implementing
legislation, that include proposals to amend, repeal and
reallocate laws, and make appropriations and allocations to
reflect the department's powers, responsibilities and
organization; and

3. Make any other recommendations, including legislation,
that offer future benefit and service to the general welfare and
safety of families and children of the State.

Sec. B-7. Executive branch authorizations.

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1. The following officials of the executive branch shall work with the Joint Select Committee on Families and Children: the Commissioner of Families and Children; the Commissioner of Corrections; the Commissioner of Educational and Cultural Services; the Commissioner of Human Services; and the Commissioner of Mental Health and Mental Retardation.

2. The resources available to the Maine Human Development Commission, established under the Maine Revised Statutes, Title 5, chapter 19, must be available to assist the Joint Select Committee on Families and Children and to carry out the purposes of this Act. Assistance from the staff and the Executive Director of the Maine Human Development Commission, who in these matters are subject to the direction of the Chair of the Joint Select Committee on Families and Children, must include administrative, research and other support services as the committee may reasonably require to carry out its responsibilities.

3. State agencies, to the extent feasible and reasonable, shall make available staff, facilities, equipment, supplies, information and other assistance to the committee as it may reasonably require to carry out its responsibilities.

Sec. B-8. Legislative authorizations. The members of the Joint Select Committee on Families and Children are entitled to compensation in accordance with the Maine Revised Statutes, Title 3, section 2, for meetings held when the Legislature is not in session. The Legislative Council is authorized to make payments for expenses from the Legislative Account and to provide staff resources to assist the Joint Select Committee on Families and Children and to carry out the purposes of this Act.

Sec. B-9. Termination of duplicate positions. Based on a review of management functions, the following positions are eliminated and appropriations for salary and overhead returned to the General Fund.

1. On the effective date of this Act, funds for the following positions are deappropriated or deallocated:

A. One Evaluation Team Facilitator within the Division of Community Services and one half-time secretary within the Head Start Program; and

B. One Administrative Secretary, one Deputy Commissioner for Public Programs and External Affairs, one Deputy Commissioner for Regional Administration and one Administrative Assistant within the Department of Human Services.

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2. Effective July 1, 1991, the following positions are eliminated:

A. One Management Analyst I position within the Department of Mental Health and Mental Retardation; and

B. The Director of the Bureau of Child and Family Services within the Department of Human Services.

Sec. B-10. Appropriations. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1990-91

LEGISLATURE

Legislature

Personal Services	\$4,290
All Other	6,200

Provides funds for per diem and expenses for the Joint Select Committee on Families and Children.

LEGISLATURE
TOTAL

\$10,490

FAMILIES AND CHILDREN,
DEPARTMENT OF

Administration-Families and Children

Positions	(1)
Personal Services	\$27,135
All Other	4,175
Capital Expenditures	855

Provides funds for one commissioner and expenses necessary to develop an implementation plan for the Department of Families and Children.

DEPARTMENT OF FAMILIES AND CHILDREN
TOTAL

\$32,165

EXECUTIVE DEPARTMENT

Head Start

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2	Positions	(-.5)
	Personal Services	(\$8,684)
4	Provides for the deappropriation of funds	
6	from a part-time position which was	
	authorized but never established.	
8	Administration-Community Services	
10	Positions	(-1)
	Personal Services	(\$37,680)
12	All Other	(1,375)
14	TOTAL	(\$39,055)
16	Provides for the deappropriation of funds	
18	from the elimination of an Evaluation Team	
	Facilitator position.	
20	EXECUTIVE DEPARTMENT	
	TOTAL	(\$47,739)
22	HUMAN SERVICES, DEPARTMENT OF	
24	Administration-Human Services	
26	Positions	(-1)
28	Personal Services	(\$25,176)
30	All Other	(45,717)
32	Provides for the deappropriation of funds	
34	from the elimination of an Administrative	
	Secretary position and reduces the All Other	
	funds to balance federal matching funds.	
36	DEPARTMENT OF HUMAN SERVICES	
	TOTAL	(\$70,893)
38		
40	TOTAL APPROPRIATIONS	(\$75,977)
42	Sec. B-11. Allocation. The following funds are allocated from	
44	the Federal Expenditure Fund to carry out the purposes of this	
	Act.	
46		1990-91
48	HUMAN SERVICES, DEPARTMENT OF	
50	Administration	
52	Positions	(-3)

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Personal Services (\$123,656)
All Other 37,009

Provides for the deallocation of funds from the elimination of the following positions: Deputy Commissioner for Public Programs and External Affairs; Deputy Commissioner for Regional Administration; and an Administrative Assistant.

DEPARTMENT OF HUMAN SERVICES
TOTAL

(\$86,647)

TOTAL ALLOCATIONS

(\$86,647)

FISCAL NOTE

The elimination of 2 additional positions in fiscal year 1991-92 may result in an anticipated reduction in the Current Services budget for the next biennium of approximately \$113,827 per year.

STATEMENT OF FACT

To attain implementation of a unified Department of Families and Children as proposed in the original bill, this amendment defines a transition process leading to the department's operation. It requires that a proposed plan of implementation be presented to the Governor and the Legislature by February 1, 1991. Officials of the executive and legislative branches shall work together on preparation of the proposed plan. If it is approved by the Legislature and the Governor during the First Regular Session of the 115th Legislature, the Department of Families and Children becomes operational on July 1, 1991.

This amendment more clearly:

- 1. Identifies a timetable for preparation of a plan and implementation of the department;
- 2. Establishes the first Monday of January 1991 as the date for nomination of the Commissioner of Families and Children;
- 3. Identifies state agencies, offices and officials that shall work to: prepare the plan; provide staff, administrative support and other resources to assist the Joint Select Committee on Families and Children; and carry out the purposes of this amendment; and

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2 4. States legislative intent regarding the plan and
administrative and service practices, in order to guide
development of the plan and design of department activities.

4
6 The intent of the original bill is retained in this
amendment. The current activities and budgets of several
8 existing state agencies, which now serve families and children,
are transferred to form a unified, consolidated and functionally
integrated department. The purpose of the department is to
10 enhance the human development of families and children in this
State and ameliorate family dysfunctions and child disabilities.
12 The Joint Select Committee on Families and Children, with the
Commissioner of Families and Children and other state agency
14 officials, lead the transition process. The public,
community-level agencies, state employees and providers have
16 substantial opportunities for input to preparation of the plan.

18 The amendment also removes the emergency preamble and the
emergency clause, and adjusts dates, appropriations and the
20 fiscal note to reflect removal of the emergency provisions.

Reported by the Majority of the Committee on State and Local Government
Reproduced and distributed under the direction of the Clerk of the
House
2/23/90 (Filing No. H-820)