

MAINE STATE LEGISLATURE

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

HOUSE 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 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. Human</u>	<u>Maine</u>	<u>Per</u>	<u>22-A</u>
<u>Development</u>	<u>Advisory</u>	<u>Diem</u>	<u>MRSA</u>
	<u>Commission</u>	<u>and</u>	<u>§201</u>
	<u>on Children</u>	<u>Expenses</u>	
	<u>and Fam-</u>	<u>for Mem-</u>	
	<u>ilies</u>	<u>bers Who</u>	
		<u>are not</u>	
		<u>State</u>	
		<u>Employees</u>	

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

TITLE 22-A

HUMAN DEVELOPMENT

PART 1

ADMINISTRATION AND ORGANIZATION

CHAPTER 1

DEPARTMENT FOR CHILDREN AND FAMILIES

2 §101. Definitions

4 As used in this Part, unless the context otherwise
6 indicates, the following terms have the following meanings.

8 1. Commissioner. "Commissioner" means the Commissioner of
Children and Families.

10 2. Department. "Department" means the Department of
12 Children and Families within the executive branch responsible for
14 administering multiple major programs and multimillion dollar
budgets to serve children and families pursuant to provisions of
state and federal laws.

16 3. Interim commissioner. "Interim commissioner" means the
18 Interim Commissioner of the Interim Administrative Division of
Children and Families, appointed by the Governor to carry out the
purposes of this Part.

20 §102. Department established

22 The Department of Children and Families is established
24 within the executive branch to provide services to families and
children in this State.

26 §103. Commissioner

28 1. Appointment. The department shall be administered by a
30 commissioner who shall be appointed by the Governor subject to
32 review by the joint standing committee of the Legislature having
jurisdiction over children and family matters and subject to
34 confirmation by the Legislature. The commissioner shall serve at
the pleasure of the Governor.

36 2. Qualifications. The commissioner shall be qualified by
38 postgraduate education and extensive experience in the fields of
human development and public administration, including public
40 policy analysis and development, public financial and program
administrative matters, and legislative and executive branch
42 relations.

44 3. Application. Notwithstanding the establishment of the
Department of Children and Families in this Part, the department
46 shall undertake no administration of programs or services until
the plan developed pursuant to section 104 is adopted.

48 §104. Interim Administrative Division and interim commissioner
50 established

52 1. Interim Administrative Division and position
established. The Interim Administrative Division and position of

2 Interim Commissioner of Children and Families are established
3 within the executive branch to assist with development of a plan
4 to implement a Department of Children and Families. The Interim
5 Administrative Division is established as an independent
6 organization within the executive branch. The purpose of the
7 department must be to encourage, enhance and support the human
8 development of children and families in this State, to ameliorate
9 family dysfunctions and child disabilities, and to be a unified
10 and functionally integrated operating agency to coordinate and
11 consolidate the effective delivery of services to children and
12 families. The Interim Administrative Division ceases to exist
13 when the department undertakes activity under section 103.

14 2. Appointment. The Governor shall appoint the interim
15 commissioner within 10 days of the effective date of this Part.
16 The interim commissioner shall serve at the pleasure of the
17 Governor for a term commencing within 10 days of being nominated
18 and ending no later than June 30, 1991.

19 3. Qualifications. To be appointed interim commissioner, a
20 candidate must be qualified by extensive experience in the field
21 of human development and public administration, including public
22 policy analysis and development, public financial and program
23 matters, and legislative and executive branch relations.

24 CHAPTER 3

25 MAINE ADVISORY COMMISSION ON CHILDREN AND FAMILIES

26 §201. Advisory commission established

27 The Maine Advisory Commission on Children and Families,
28 referred to in this chapter as the "advisory commission," is
29 established in accordance with Title 5, chapter 379. It is an
30 independent commission that shall advise, consult and assist the
31 executive and legislative branches of State Government in
32 implementing this Part.

33 §202. Membership

34 1. Membership. The advisory commission consists of no more
35 than 31 members. The Governor shall appoint members who qualify
36 under paragraph A, B or E. The President of the Senate and the
37 Speaker of the House of Representatives shall jointly appoint
38 members who qualify under paragraph C or D. A member appointed
39 and qualified under paragraph A, C or D may not be an official,
40 employee, consultant or any other individual employed or retained
41 by the executive branch of State Government. Membership is as
42 follows:

43 A. Ten public members who must be chairs or members of
44 existing advisory committees related to children's issues,
45

2 and who are knowledgeable and have extensive experience
3 relating to human development of children and families,
4 advocacy and state advisory organizations relating to
5 children and families;

6 B. Seven classified state employees engaged in frontline
7 service delivery, supervision, administration, midmanagement
8 or regional management of human development services for
9 children and families in programs operated by the Department
10 of Corrections, the Department of Educational and Cultural
11 Services, the Department of Human Services, the Department
12 of Mental Health and Mental Retardation and any other
13 departments with such programs;

14 C. Two members representing the certified bargaining agents
15 of the employees of the state agencies listed in paragraph B;

16 D. Ten public members with extensive education and
17 experience in human development of children and families and
18 delivery of service through community-level private,
19 nonprofit or public entities and state-level provider
20 associations; and

21 E. The Child Welfare Services Ombudsman.

22 **§203. Administrative matters**

23 Members are entitled to compensation and payment of expenses
24 as authorized under Title 5, chapter 379. The Governor, the
25 President of the Senate and the Speaker of the House of
26 Representatives shall jointly appoint the chair. Members must be
27 appointed no later than 30 days after the effective date of this
28 section.

29 **Sec. A-3. Application.** The interim commissioner may not
30 undertake administration of programs or services of the
31 department, and shall only carry out the development of the plan
32 to implement the department as provided in this Act.

33 **PART B**

34 **Sec. B-1. Transitional process for department.** To attain full
35 implementation of a unified Department of Children and Families,
36 a transition process is established that begins no later than the
37 effective date of this Act and ends June 30, 1993.

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

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

2 A. An inventory of existing resources and description of
3 current services and administrative activities to be
4 functionally integrated to provide unified services pursuant
5 to this Act must be prepared by staff of the executive and
6 legislative branches beginning within 30 days of the
7 effective date of this Act. This inventory must include any
8 possible areas where services and resources are insufficient
9 or barriers exist to the provision of services of
10 resources. The inventory must identify those existing
11 systems or services that best respond to different
12 populations of children and families;

13 B. Deliberations to prepare an implementation plan must be
14 commenced by the Joint Select Committee on Children and
15 Families working with executive branch leaders, the Maine
16 Advisory Commission on Children and Families and with the
17 input of interested parties beginning no later than 30 days
18 after the effective date of this Act;

19 C. An initial plan and additional legislation to implement
20 this Act must be presented by the Joint Select Committee on
21 Children and Families to the Governor and the Legislature by
22 February 1, 1991; and

23 D. Legislation authorizing appropriation and additional
24 statutory provisions to implement the department must be
25 considered by the Governor and the Legislature for approval
26 or disapproval by March 31, 1991.

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

38 **Sec. B-3. Guidelines for content, preparation and implementation of**
39 **plan.** The plan and its implementation must be guided by the
40 purpose of this Act and the department which is to encourage,
41 enhance and support the human development of children and
42 families in the State, to ameliorate family dysfunctions and
43 child disabilities, and to be a unified and functionally
44 integrated operating agency to coordinate and consolidate the
45 effective delivery of services to children and families.

46 1. The implementation plan must provide:

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- 2 A. Further definition of the department's purpose, if
 needed;
- 4
- 6 B. A description of services and programs to be offered;
- 8 C. A statement of management responsibilities and lines of
 authority;
- 10 D. An organizational chart;
- 12 E. A listing of personnel positions and description of
 responsibilities;
- 14
- 16 F. A chart of accounts and finances, including proposed
 transfers of current appropriations and allocations as may
 be needed;
- 18
- 20 G. An inventory of current facilities and space utilization
 and, if needed, proposals for relocation of workplaces using
 existing facilities and space;
- 22
- 24 H. Other appropriate operations and implementation matters;
 and
- 26 I. Recommendations of the Maine Advisory Commission on
 Children and Families.
- 28
- 30 2. It is the intent of the Legislature that the plan
32 provide for the transfer to the Department of Children and
34 Families, existing organizational units, programs and activities
 that serve the needs of children and families. The following
 organizational units, programs and activities must be considered
 for transfer:
- 36 A. The Department of Mental Health and Mental Retardation,
 Bureau of Children with Special Needs;
- 38
- 40 B. The Department of Human Services, Bureau of Child and
 Family Services;
- 42 C. The child and family services functions of the
44 Department of Human Services, Bureau of Health, including,
 but not limited to, the handicapped children's program, the
46 genetic disease program, the public health nursing program,
 the maternal and child health program, the adolescent
48 pregnancy and parenting program, the family planning program
 and the women, infant and children's program;
- 50 D. The Department of Educational and Cultural Services as
52 it relates to preschool handicapped children programs
 pursuant to the Maine Revised Statutes, Title 20-A, chapter

2 307, including the Child Development Services System under
3 Title 20-A, section 7707 and including the Interdepartmental
4 Coordinating Committee for Preschool Handicapped Children
established in Title 5, section 12004-I, subsection 10;

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

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

10 G. The Interdepartmental Council established in the Maine
12 Revised Statutes, Title 34-B, section 1214, as amended by
Public Law 1989, chapter 729; and

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

20 3. The plan must authorize the department to prepare,
22 organize and offer educational, developmental, health, medical,
24 mental, social and correctional services to carry out its
duties. The plan must authorize the department to address
26 subject matters related to family functioning, family
dysfunctions, child development and child disabilities,
28 including, but not limited to, adult abuse and neglect,
alcoholism, preschool education, early childhood development, low
30 aspirations, child abuse and neglect, drug abuse, family
problems, family violence, juvenile delinquency, medical
32 problems, mental illness, mental retardation, children and
families in poverty or with low income, school dropouts, special
34 education, substance abuse, truancy, teen pregnancy and teen
suicide.

36 4. The plan must provide that the method of service
38 delivery by the department be functionally integrated to offer
holistic child-focused and family-focused services. Children and
40 families must be served according to the principle of one case
manager for one family, if possible. All services of the
42 department must be offered in a fully cooperative and coordinated
manner consistent with fully implementing the principle of a
44 functionally integrated pattern of unified and consolidated
operations.

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

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2 6. The programs must be analyzed and restructured to attain
functional integration of services.

4

6 7. During preparation of the plan, the following matters
must be considered:

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

10

(1) Ages of children and family members;

12

14 (2) Human development levels of children and family
members;

16 (3) Administrative procedures applicable to serving
18 individuals, such as information and referral,
awareness, education, early identification, assessment,
20 diagnosis, crisis intervention, stabilization,
residential, transition to independence and evaluation
of service effectiveness; and

22

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

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

34

(1) Central offices;

36

(2) Regional offices;

38

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

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

44

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

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

50 A. To the extent proposals affect existing major
policy-influencing positions identified in the Maine Revised
52 Statutes, Title 5, chapter 71, or other existing positions

2 not appointed pursuant to the Civil Service Law, those
3 appointments must be made by the Commissioner of Children
4 and Families 10 days after written notice, identifying the
5 nominee and the nominee's qualifications, has been provided
6 to the Governor and the Legislature; and

7
8 B. Notwithstanding the Maine Revised Statutes, Title 5,
9 chapter 71, any person who is appointed as an initial bureau
10 director to serve in the Department of Children and Families
11 must be appointed by the Commissioner of Children and
12 Families for a term coterminous with the term of the
13 commissioner and may be removed from office during that
14 initial term only for cause.

15
16 9. The proposed plan and legislation must include adequate
17 and appropriate use of Medicaid and other funding of services for
18 children and families, including new options and uses, and must
19 provide for the securement of any necessary approval of the
20 Federal Government as expeditiously as possible.

21
22 **Sec. B-4. Budget and finances.** As one portion of the
23 implementation plan, a unified budget for the plan
24 recommendations and department must be prepared and presented to
25 the Governor and the Legislature, including the Joint Select
26 Committee on Children and Families, in accordance with the
27 timetable specified in section B-2 of this Act. The Commissioner
28 of Children and Families and other executive branch officials
29 must provide the Legislature, including the Joint Select
30 Committee on Children and Families, with any budget-related
31 information that is requested.

32
33 1. An annual review of the budget, including any necessary
34 adjustments, must be presented by February 1, 1992 and February
35 1, 1993.

36
37 2. The proposed plan, budget and legislation must include
38 adequate and appropriate use of Medicaid and other funding of
39 services for children and families, including new options and
40 uses, and must provide for the securement of any necessary
41 approval of the Federal Government as expeditiously as possible.

42
43 3. The Interim Commissioner of Children and Families with
44 the approval of the Governor and the Legislature shall explore
45 and apply for grants, funds and any other resources available
46 from public or private sources, particularly the Federal
47 Government, that are appropriate to assist with financing
48 services to children and families or to carrying out the purposes
49 of this Act.

50
51 **Sec. B-5. Joint select committee charged.** The Joint Select
52 Committee on Children and Families shall:

1. Develop and monitor, with officials of the executive branch, the plan to operate and implement the department in accordance with the provisions of this Act;

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 benefits and services to the general welfare and safety of children and families of the State.

Sec. B-6. Executive branch authorizations.

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

2. State agencies, to the extent feasible and reasonable, shall make available staff, facilities, equipment, supplies, information and other assistance to the joint select committee and the interim commissioner as reasonably required to carry out the purposes of this Act.

Sec. B-7. Legislative authorizations. The members of the Joint Select Committee on Children and Families 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 Children and Families and to carry out the purposes of this Act.

Sec. B-8. Independent commission authorization. The Maine Advisory Commission on Children and Families, established under the Maine Revised Statutes, Title 22-A, chapter 3, shall advise, consult and assist with carrying out the purposes of this Act.

Sec. B-9. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1990-91

LEGISLATURE

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2	Legislature	
4	Personal Services	\$4,290
	All Other	6,200
6		
8	Provides funds for per diem	
	and expenses for the Joint	
10	Select Committee on Children	
	and Families.	
12	LEGISLATURE	
	TOTAL	<u>\$10,490</u>
14		
16	INTERIM ADMINISTRATIVE DIVISION,	
	INTERIM COMMISSIONER OF	
18	Administration-Children and Families	
20	Personal Services	\$7,260
	All Other	47,250
22		
24	Provides funds to contract	
	for an interim commissioner,	
26	capital purchases and for the	
	per diem and expenses of the	
28	Maine Advisory Commission on	
	Children and Families. These	
30	funds may not lapse but must	
	be carried forward until	
32	expended.	
34	INTERIM COMMISSIONER OF INTERIM	
	ADMINISTRATIVE DIVISION	
	TOTAL	<u>\$54,510</u>
36	TOTAL APPROPRIATION	<u>\$65,000</u>
38		

FISCAL NOTE

42 This amendment provides funds to contract for an interim
43 commissioner and for the per diem and expenses for the Maine
44 Advisory Commission on Children and Families and the Joint Select
45 Committee on Children and Families.

46 Funds are not being provided for support costs due to the
47 provision that state agencies shall make such resources available.

50 Future costs can not be estimated at this time and will be
51 dependent upon legislation submitted to the First Regular Session
52 of the 115th Legislature.

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STATEMENT OF FACT

This amendment replaces the bill.

This amendment establishes the Department of Children and Families and provides a transition mechanism of an Interim Administrative Division to implement this policy. It provides a better defined transition process and more detailed timetable for substantive deliberations regarding the establishment of the Department of Children and Families. This amendment establishes an Interim Commissioner of Children and Families within the executive branch to assist the transition to a Department of Children and Families. The purpose of the department is to enhance the human development of children and families in this State, to ameliorate family dysfunctions and child disabilities, and to be a unified and functionally integrated operating agency to coordinate and consolidate the effective delivery of services to children and families.

Through this amendment the legislative intent of establishing an interim commissioner and a transition process will lead to an effective and operational Department of Children and Families on July 1, 1991, as proposed in the original bill.

This amendment provides that:

1. Additional plans for implementation and any necessary legislation be presented to the Legislature and the Governor by February 1, 1991, and explicitly states that these proposals may be approved or disapproved;

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

3. Transfer of existing activities to the department must occur;

4. Appointment of the Interim Commissioner of Children and Families by the Governor is streamlined, providing that the interim commissioner be appointed within 10 days of the effective date of this bill;

5. The public, community-level agencies, state employees and providers have substantial opportunities for input to preparation and implementation of the plan. Members of the Maine Advisory Commission on Children and Families are appointed by the Governor or by the President of the Senate and the Speaker of the House of Representatives. The advisory commission is independent and compensation and expenses are authorized;

