

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## FIRST REGULAR SESSION - 1989

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Legislative Document

No. 1666

H.P. 1199

House of Representatives, May 16, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script, reading "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative JOSEPH of Waterville.

Cosponsored by Speaker MARTIN of Eagle Lake, President PRAY of Penobscot and Representative CARTER of Winslow.

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STATE OF MAINE

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

---

An Act to Establish the Department of Child and Family Services.

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(AFTER DEADLINE)

(EMERGENCY)



1       **Emergency preamble.** Whereas, Acts of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted  
3 as emergencies; and

4       Whereas, this bill must be passed as an emergency measure in  
5 order for the implementation plan to be developed in a timely  
6 fashion and for the plan to be reviewed by the Legislature by the  
7 target date of March 31, 1990; and

8       Whereas, in the judgment of the Legislature, these facts  
9 create an emergency within the meaning of the Constitution of  
10 Maine and require the following legislation as immediately  
11 necessary for the preservation of the public peace, health and  
12 safety; now, therefore,

13  
14 **Be it enacted by the People of the State of Maine as follows:**

15  
16  
17                               **PART A**

18  
19       **Sec. 1. 5 MRSA c. 339** is enacted to read:

20  
21                               **PART 13-A**

22  
23                               **FAMILIES AND CHILDREN**

24  
25                               **CHAPTER 339**

26  
27                               **DEPARTMENT OF FAMILIES AND CHILDREN**

28  
29       **§5101. Department established**

30  
31       The Department of Families and Children is established  
32 within the executive branch to provide services to families and  
33 children in this State.

34  
35       **§5102. Commissioner**

36  
37       1. Appointment. The department shall be administered by a  
38 commissioner who shall be appointed by the Governor subject to  
39 review by the joint standing committee of the Legislature having  
40 jurisdiction over human resource matters and subject to  
41 confirmation by the Legislature. The commissioner shall serve at  
42 the pleasure of the Governor.

43  
44       2. Qualifications. The commissioner shall be qualified by  
45 postgraduate education and extensive experience in the fields of  
46 human development and public administration, including public  
47 policy analysis and development, public financial and program  
48 administrative matters, and legislative and executive branch  
49 relations.

1       **Sec. 2. Application.** Notwithstanding the establishment of the  
2 Department of Families and Children in this Part, the department  
3 shall undertake no administration of programs or services until  
4 the plan developed by the Joint Select Committee on Families and  
5 Children pursuant to Part B is adopted by the Legislature, except  
6 that the department shall carry out the provisions of this  
7 chapter.

9       **Sec. 3. Commissioner appointed.** The Commissioner of Families  
10 and Children shall be nominated by the Governor no later than  
11 June 15, 1989, or within 10 days of the effective date of this  
12 Act, whichever is later. Upon confirmation by the Senate, the  
13 commissioner shall be sworn into office and commence full-time  
14 work no later than July 10, 1989. The commissioner shall assist  
15 the committee with preparation of a transition plan and  
16 implementation of the department pursuant to Part B.

## 17                                   **PART B**

19       **Sec. 1. Transitional process of department.** There is established  
20 a transitional process beginning June 15, 1989, or within 10 days  
21 of the effective date of this Act, whichever is later, and ending  
22 June 30, 1991. A plan for implementation of Part A shall be  
23 prepared and approved during the period of June 15, 1989 to March  
24 31, 1990.

27       **Sec. 2. Implementation of department.** The department shall be  
28 implemented and operational on July 1, 1990. During the period  
29 of July 1, 1990 to June 30, 1991, the implementation of the  
30 department shall be monitored by the committee and the committee  
31 shall prepare such further implementation plans or make such  
32 reports as it deems appropriate.

33       **Sec. 3. Joint select committee established.** There is established  
34 within the legislative branch a Joint Select Committee on  
35 Families and Children. The committee shall consist of 13 members  
36 of the Legislature, including 3 members of the Senate and 10  
37 members of the House of Representatives: 3 members of the Joint  
38 Standing Committee on Appropriations and Financial Affairs; 3  
39 members of the Joint Standing Committee on Education; 3 members  
40 of the Joint Standing Committee on Human Resources; and 4 other  
41 members of the Legislature. Members of the Senate shall be  
42 appointed by the President of the Senate and members of the House  
43 of Representatives shall be appointed by the Speaker of the House  
44 of Representatives and shall be appointed not later than June 15,  
45 1989, or within 10 days of the effective date of this Act,  
46 whichever is later. The following officials of the executive  
47 branch shall assist the committee: the Commissioner of Human  
48 Services, the Commissioner of Mental Health and Mental  
49 Retardation, the Commissioner of Educational and Cultural  
50 Services and the Commissioner of Corrections or their designees.  
51

1                   **Sec. 4. Committee charged.** The committee shall develop, in  
3 conjunction with the Commissioner of Families and Children and  
5 other officials of executive branch agencies, a plan for the  
7 establishment of the Department of Families and Children. The  
9 plan shall provide for the transfer, to the Department of  
11 Families and Children, of the following existing agencies that  
13 serve the needs of families and children:

15                   1. The Bureau of Children with Special Needs of the  
17 Department of Mental Health and Mental Retardation;

19                   2. The Bureau of Social Services of the Department of Human  
21 Services;

23                   3. The family and child services functions of the Bureau of  
25 Health of the Department of Human Services, including, but not  
27 limited to the Handicapped Children's Program, Genetic Disease  
29 Program, Public Health Nursing Program, Maternal and Child Health  
31 Program, Adolescent Pregnancy and Parenting Program, Family  
33 Planning Program, and Women, Infant and Children's Program;

35                   4. Child Development Services, Department of Educational  
37 and Cultural Services;

39                   5. The Headstart Program, Division of Community Services;

41                   6. All juvenile and youth correctional services of the  
43 Department of Corrections;

45                   7. The Interdepartmental Council; and

47                   8. Any other administrative units or functions related to  
49 the listed or other activities of State Government serving the  
51 family or child.

                  The implementation plan shall provide that the duties of the  
department shall be to enhance the human development and  
functioning of families and children and to ameliorate family or  
child disabilities in this State. The plan shall authorize the  
department to serve by preparing, organizing and offering  
educational, developmental, health, mental, social and  
correctional services to carry out its duties. The plan shall  
authorize the department to address family or child disabilities  
such as, but not limited to: adult abuse and neglect,  
alcoholism, preschool education, early childhood development, low  
aspirations, child abuse and neglect, drug abuse, family  
problems, family violence, juvenile delinquency, mental illness,  
mental retardation, families and children in poverty or with low  
income, school dropouts, truancy, teen pregnancy and teen suicide.

1 The implementation plan shall provide that the method of  
2 service delivery by the department shall be functionally  
3 integrated to offer holistic family focused and child focused  
4 services and that families and children shall be served utilizing  
5 the principle of one family to one case manager and that all  
6 services of the department shall be offered in a fully  
7 cooperative and coordinated manner consistent with the  
8 department's functionally integrated pattern of unified and  
9 consolidated operations.

11 The plan shall provide for implementing the policy that  
12 families are and should continue to be the preferred environment  
13 for raising children and caring for vulnerable family members and  
14 shall advance the goals of maintaining family and children as a  
15 functioning social unit, providing services to ameliorate  
16 dysfunctions or family dissolution, thereby empowering families  
17 and children to function independently of the department and  
18 protecting each family member from harm or violence.

19 The implementation plan shall provide for the transfer and  
20 relocation to the department of the agencies, programs and  
21 activities listed. The programs shall be analyzed and  
22 restructured to attain functional integration of services.  
23 Functionally related administrative and service activities shall  
24 be consolidated improving geographical accessibility of services.

25  
26 **Sec. 5. Expenses.** The members of the committee who are  
27 Legislators shall receive the legislative per diem, as defined in  
28 the Maine Revised Statutes, Title 3, section 2, for days of  
29 attendance at committee meetings.

30  
31 **Sec. 6. Report.** The committee shall submit its initial report,  
32 together with necessary implementing legislation, by January 1,  
33 1990, to amend, repeal and reallocate laws and make  
34 appropriations and allocations to reflect the department's  
35 powers, responsibilities and organization. The proposed  
36 legislation shall provide for:

37  
38 1. All senior management staff and staff of the  
39 commissioner to be appointed by the commissioner with 10 working  
40 days notice to the Governor and Legislature;

41  
42 2. All bureau directors or lower midmanagement staff to be  
43 appointed pursuant to the personnel law for a term coterminus  
44 with the commissioner and removal from office for cause;

45  
46 3. The preparation by the commissioner of a budget for the  
47 department; and

48  
49 4. Any other recommendations, including legislation, which  
50 would properly offer future benefit and service to the general  
51 welfare and safety of Maine families and children.

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Legislation, proposing approval of the implementation plan, shall be considered no later than March 31, 1990, by the Legislature and, if enacted, forwarded to the Governor for consideration.

**Sec. 7. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1989-90	1990-91
<b>LEGISLATURE</b>		
<b>Committee on Families and Children</b>		
All Other	\$3,000	\$3,000
Provides funds for per diem and other miscellaneous meeting expenses.		
<b>LEGISLATURE TOTAL</b>	<u>\$3,000</u>	<u>\$3,000</u>
<b>FAMILIES AND CHILDREN, DEPARTMENT OF</b>		
Positions	(2)	(2)
Personnel Services	\$125,000	\$125,000
All Other	50,000	50,000
Capital Expenditures	20,000	
Provides funds for 2 positions, including one commissioner and one secretary, and other expenses necessary to implement a Department of Families and Children.		
<b>DEPARTMENT OF FAMILIES AND CHILDREN TOTAL</b>	<u>\$195,000</u>	<u>\$175,000</u>
<b>TOTAL APPROPRIATIONS</b>	<u>\$198,500</u>	<u>\$178,000</u>

1           **Emergency clause.** In view of the emergency cited in the  
3 preamble, this Act shall take effect when approved.

5  
7                           **STATEMENT OF FACT**

9           This bill creates a Department of Families and Children,  
11 establishes the Joint Select Committee on Families and Children  
13 and authorizes and funds the position of commissioner of the  
15 department. Under the bill, the Committee for Families and  
17 Children is charged with the development of a plan to unify and  
19 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.