

MAINE STATE LEGISLATURE

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John
R. of S.

L.D. 1768

(Filing No. S-473)

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STATE OF MAINE
SENATE
115TH LEGISLATURE
FIRST SPECIAL SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1210, L.D. 1768, Bill, "An Act to Reduce the Administrative Cost of State Government by Abolishing the Division of Community Services and the Department of Economic and Community Development and Transferring Their Essential Functions"

Amend the amendment by striking out everything after the title and before the statement of fact and inserting in its place the following:

'Amend the bill by striking out the title and substituting the following:

'An Act to Reduce the Administrative Cost of State Government by Abolishing the Division of Community Services and Transferring its Essential Functions'

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

PART A

Sec. A-1. 5 MRSA c. 330, as amended, is repealed.

Sec. A-2. 30-A MRSA c. 201, sub-c. XIII is enacted to read:

SUBCHAPTER XIII

FUEL ASSISTANCE

§4991. Administration of the Low-income Home Energy Assistance Program

The Low-income Home Energy Assistance Program is established

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2 within the Maine State Housing Authority. The authority shall
3 administer the Low-income Home Energy Assistance Program in
4 accordance with this subchapter.

5 Through plans and contracts, the authority shall obtain,
6 distribute and administer federal and state low-income home
7 energy assistance funds, including block grants, and other funds
8 as may become available in accordance with this subchapter and 45
9 Code of Federal Regulations, Subtitle A, Part 96, Subpart H,
10 Sections 96.80 et seq. Any balances of funds appropriated to the
11 authority for the Low-income Home Energy Assistance Program, as
12 established in this subchapter, that are remaining at the end of
13 a fiscal year may not lapse but must be carried forward from year
14 to year to be expended for the same purpose. In carrying out
15 this subchapter, the authority shall work in consultation with
16 the Department of Economic and Community Development.

17 1. Administration of fuel assistance. The authority may
18 select local program operators, except that, in the case of the
19 fuel assistance program, a municipality that served as a local
20 program operator in 1984 must be given the option to serve as a
21 local program operator of the fuel assistance program within that
22 municipality, as long as it complies with the program-operating
23 standards established by the authority by rule in accordance with
24 the Maine Administrative Procedure Act.

25 The authority shall provide by rule, at a minimum, the following
26 standards that apply to local program operators and
27 administrators:

28 A. Standards that require generally acceptable accounting
29 and bookkeeping procedures that meet the requirements of the
30 Federal Government and the State Auditor;

31 B. Standards that prohibit conflicts of interest by local
32 program operators and administrators. These standards must,
33 at a minimum, meet the standards that apply to Legislators
34 as defined in Title 1, section 1014;

35 C. Standards requiring the adherence of the local program
36 operators to confidentiality with respect to program
37 recipients;

38 D. Standards requiring local program operators and
39 administrators to be available to the general public for a
40 minimum specified period of time each week; and

41 E. Standards that ensure that qualified program recipients
42 are expeditiously provided with assistance by the local
43 program operator or administrator.

2 Any municipality that the authority finds to be in violation of
4 the standards adopted by the authority pursuant to this section
may be prohibited from acting as a local program operator or
6 administrator of the fuel assistance program.

8 For the purpose of this section, "fuel assistance" means
10 assistance paid to fuel vendors on behalf of an eligible
household or directly to eligible tenants who pay heating costs
as an undesignated portion of rent.

12 §4992. Fuel Assistance Reserve Fund

14 1. Fuel Assistance Reserve Fund. The authority shall use
16 funds appropriated pursuant to this section to establish and
capitalize the Fuel Assistance Reserve Fund. The authority shall
18 keep the Fuel Assistance Reserve Fund separate from all other
funds managed by the authority and use the fund only under the
20 conditions set forth in this section. The authority shall use
the Fuel Assistance Reserve Fund to ensure that fuel assistance
22 benefits for the State's eligible elderly and low-income
residents are available prior to the beginning of the heating
24 season.

26 2. Timely distribution of benefits. The authority shall
make available to local program operators and municipal
28 administrators of the fuel assistance program, no later than
October 1st of each year, funds sufficient to cover anticipated
30 fuel assistance payments and program administrative costs for at
least the months of October, November and December.

32 3. Conditional use of the fund. The authority's use of the
34 fund is subject to the following conditions and limitations.

36 A. If the authority reasonably anticipates that federal
fuel assistance block grant funds are not available for
38 distribution to the local program operators and municipal
administrators by October 1st of each year, the authority
40 shall withdraw and distribute sufficient money from the fund
as is necessary for the purposes set forth in this section.
42 The authority may withdraw funds prior to October 1st,
provided that those funds are used only for costs incurred
44 on or after October 1st.

46 Money may not be withdrawn from the fund if sufficient block
grant funds are available to pay reasonably anticipated fuel
48 assistance program and administrative costs for the months
of October, November and December.

50 B. Money withdrawn from the fund must be sufficient to
cover anticipated fuel assistance payments and fuel

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2 assistance program administrative costs for all local
3 program operators and municipal administrators for the
4 months of October, November and December.

6 C. The authority may not withdraw money from the fund
7 between October 1st and June 30th.

8 D. The fund may not be used if the authority knows or is
9 reasonably certain that no federal fuel assistance money
10 will be received.

12 4. Recapitalization. If money is withdrawn from the fund
13 for the purposes of this section, the authority shall ensure that
14 the fund is fully recapitalized before the end of the fiscal year
15 in which the funds were appropriated.

16 §4993. Penalty

18 Whoever knowingly uses, transfers, acquires or possesses
19 fuel provided through fuel assistance in any manner not
20 authorized by this subchapter or the rules issued under this
21 subchapter is guilty of a Class E crime.

24 Sec. A-3. 30-A MRSA §5042, sub-§1, ¶B, as enacted by PL 1989,
25 c. 601, Pt. B, §4, is amended to read:

26 B. The ~~Directors~~ directors of:

- 27 (1) The Maine State Housing Authority; and
- 28 ~~(2) --The-Division-of-Community-Services;~~
- 29 (2) The Bureau of Child and Family Services.

34 PART B

36 22 MRSA §5311-A is enacted to read:

38 §5311-A. Head Start; Maine Children's Trust Fund

40 The Director of the Bureau of Child and Family Services
41 shall administer the following programs:

- 42 1. Head Start. The Head Start program; and
- 43 2. Maine Children's Trust Fund. The Maine Children's Trust
44 Fund established in chapter 1052-A.

PART C

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Sec. C-1. 5 MRSA §12004-G, sub-§16, as enacted by PL 1987, c. 786, §5, is amended to read:

16.	Board of the	Expenses	22 MRSA
Human Services:	Maine Chil-	Only	§3723
Child Protection	dren's Trust		§3733
	Fund		

Sec. C-2. 22 MRSA c. 1052, as amended, is repealed.

Sec. C-3. 22 MRSA c. 1052-A is enacted to read:

CHAPTER 1052-A

MAINE CHILDREN'S TRUST FUND

§3731. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings.

1. Board. "Board" means the Board of the Maine Children's Trust Fund.

2. Director. "Director" means the Director of the Bureau of Child and Family Services within the Department of Human Services.

3. Eligible organization. "Eligible organization" means a nonprofit organization, local government or public school system.

4. Fund. "Fund" means the Maine Children's Trust Fund.

5. Prevention programs. "Prevention programs" means programs, plans or training associated with the prevention of child abuse, child neglect or mental illness or with other factors associated with the physical and emotional well-being of the youth of the State, including strategies to alleviate problems associated with behavior prohibited by law, but not adjudicated as a juvenile crime.

§3732. Maine Children's Trust Fund

1. Establishment. There is established the Maine Children's Trust Fund, which receives money deposited by the Treasurer of State pursuant to Title 36, section 5285.

2. Purpose. The purpose of the Maine Children's Trust Fund is to provide a mechanism for voluntary contributions by Maine

2 taxpayers through an income tax checkoff for funding of direct
3 program services designed to prevent abuse, neglect and mental
4 illness among Maine children. This funding is intended primarily
5 to support local prevention programs that do not duplicate other
6 state-funded programs.

7 §3733. Board; establishment

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9 1. Establishment. The Board of the Maine Children's Trust
10 Fund is established pursuant to Title 5, section 12004-G,
11 subsection 16.

12
13 2. Membership. The board consists of 9 public members
14 appointed by the Governor. The members are appointed for terms of
15 3 years, except, of those first appointed, 3 must be appointed
16 for a term of 3 years, 3 must be appointed for a term of 2 years
17 and 3 must be appointed for a term of one year. The public
18 members must, as far as practicable, be representative of the
19 following groups: parents; business and labor; the legal
20 community; the religious community; and providers of child abuse
21 and neglect prevention services. Vacancies must be filled by the
22 Governor for the remainder of the term vacated. The director is
23 an ex officio, nonvoting member of the board.

24
25 3. Officers. The Governor shall annually appoint one of
26 the public members to serve as chair of the board. The board may
27 elect, from among its members, other officers and committees as
28 it considers appropriate.

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30 4. Compensation. The members are entitled to compensation
31 according to the provisions of Title 5, chapter 379.

32
33 5. Meetings. The board shall meet at least once annually
34 and 5 members of the board constitute a quorum.

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36 6. Advice and consultation. The Commissioner of
37 Corrections, the Commissioner of Education, the Commissioner of
38 Human Services, the Commissioner of Mental Health and Mental
39 Retardation and the Commissioner of Public Safety shall, upon
40 request of the director, provide the board with technical
41 information and advice.

42 §3734. Powers; duties

43
44 The powers and duties of the board and the director are
45 prescribed as follows.

46
47 1. Plan. The board shall develop annually a biennial state
48 plan for the distribution of money in the fund and distribute
49 money in accordance with that plan. In developing the plan, the
50 board shall:

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- 2 A. Review and evaluate existing prevention programs;
- 4 B. Ensure that an equal opportunity exists for the
6 establishment of prevention programs and receipt of fund
 money among all geographic areas in the State; and
- 8 C. Submit the plan to the Legislature annually.
- 10 2. Exchange of information. The board shall provide for
12 the coordination and exchange of information on the establishment
 and maintenance of prevention programs.
- 14 3. Criteria for awarding grants. The board shall develop
16 and publicize criteria for awarding grants to eligible
 organizations.
- 18 4. Grants. The board shall review applications for grants
20 and shall recommend those applications that it considers best
 address the purposes of the fund to the director for approval.
- 22 5. Review. The board shall monitor the expenditure of
24 grants awarded pursuant to this chapter.
- 26 6. Education. The director shall provide statewide
 education and public information to develop public awareness
28 concerning child abuse, neglect and mental illness.
- 30 7. Contracts. The director may enter into contracts with
 public or private agencies or accept any grants or gifts from any
32 federal, state or private source to carry out this chapter.
- 34 8. Recommendations. The board shall make recommendations
 to the Governor and the Legislature concerning changes in state
36 laws, rules, programs or policies that will reduce the problem of
 child abuse, neglect and mental illness and improve coordination
38 among agencies that provide prevention services.
- 40 9. Rules. The director, in consultation with the board,
 shall adopt rules to implement this chapter.
- 42 10. Staff. The director shall provide staff assistance to
44 the board when the director determines such staff assistance is
 necessary.
- 46 §3735. Disbursement of fund money
- 48 1. Procedure. The director shall, by rule, establish a
50 procedure and form for receipt of applications under this
 chapter. With the consent of the director, the board may

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disburse fund money to eligible organizations for the direct
services under this chapter.

2. Limit on disbursements. Funds may be used only for
payment of direct services consistent with this chapter.

§3736. Review

Beginning in 1993 and every odd-numbered year thereafter,
this chapter must be reviewed by the joint standing committee of
the Legislature having jurisdiction over human resource matters,
which shall report its findings together with any recommended
legislation to each second regular session of the Legislature.

PART D

5 MRSA c. 383, sub-c. V-A is enacted to read:

SUBCHAPTER V-A

COMMUNITY SERVICES BLOCK GRANT PROGRAM

§13103. Allocation of Community Services Block Grant funds

1. Distribution of Community Services Block Grant funds.
The department shall administer all Community Services Block
Grant funds received by the department under the provisions of 45
Code of Federal Regulations, Part 96, Subpart I. The department
shall distribute those funds to community action agencies, in
coordination with funds distributed to community action agencies
by the Maine State Housing Authority.

2. Community action agencies; priority. Ninety percent of
the Community Services Block Grant funds received by the
department must be passed through to local agencies. From that
amount, community action agencies shall receive first priority in
the allocation of Community Services Block Grant funds. These
funds must be distributed according to a formula determined
annually as follows.

A. Twenty percent of this 90% of the Community Services
Block Grant funds must be divided equally among all
designated agencies.

B. The balance of the Community Services Block Grant funds
must be distributed according to rules adopted by the
department.

2 3. Block grant proposals. Proposals for Community Services
3 Block Grant funds submitted to the Legislature by the department
4 must:

5 A. Include a description of current uses of Community
6 Services Block Grant funds and how the plan proposes to
7 change that distribution;

8 B. Retain the absolute minimum necessary for state
9 administrative costs; and

10 C. Provide for maximum flexibility within community action
11 agencies for the use of Community Services Block Grant funds.

12 §13104. Confidentiality of records
13

14 1. Confidentiality. Records containing the following
15 information are confidential and are not public records for the
16 purpose of Title 1, section 402, subsection 3.

17 A. Any information acquired by a state agency,
18 municipality, district, private corporation, copartnership,
19 association, fuel vendor, private contractor, individual or
20 an employee or agent of any of those persons or entities,
21 providing services relating to authorized programs of the
22 department or programs administered by community action
23 agencies, when that information was provided by the
24 applicant for those services or by any 3rd person.

25 B. Any statements of financial condition or information
26 submitted to any of the persons or entities set forth in
27 paragraph A in connection with an application for services
28 relating to authorized programs of the department or
29 programs administered by community action agencies.

30 2. Exceptions. Notwithstanding subsection 1, any person or
31 agency directly involved in the administration or auditing of
32 those programs and any agency of the State with a legitimate
33 reason to know must be given access to those records.

34 3. Waiver of protection. Nothing in this section may be
35 construed to limit in any way the right of any person whose
36 interest is protected by this section to waive in writing the
37 benefits of protection.

38 4. Reports to State Government or Federal Government. The
39 department shall make full and complete reports concerning the
40 administration of authorized programs when required by the
41 Legislature or the Federal Government.

§13105. Definitions

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As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Community action agency. "Community action agency" means a private nonprofit agency that has previously been designated by and authorized to accept funds from the Federal Community Services Administration under the United States Economic Opportunity Act of 1964.

2. Poverty level. "Poverty level" means the official poverty level issued by the Director of the United States Office of Management and Budget.

3. Service area. "Service area" means the geographical area within the jurisdiction of a community action agency.

§13106. Powers and duties

1. Federal, state and other funds. Through plans and contracts, the department shall obtain, distribute and administer federal and state funds, including block grants, and other funds as may become available in accordance with this subchapter.

2. Monitoring of poverty level. The department shall monitor the poverty level of citizens of the State and carry out the following activities:

A. Conduct an annual survey of poverty in the State and report the results of this survey to the Governor, the Legislature and the public;

B. Make recommendations annually to the Governor and the Legislature on ways and means to combat and reduce poverty in the State;

C. Seek federal, state and private funds to combat poverty in the State; and

D. Advise the Governor, the Legislature and local officials on the impact of state and local policies on poverty in the State.

Any funds received under paragraph C are subject to allocation or appropriation by the Legislature.

3. Overseeing community action agencies. The department shall oversee community action agencies as follows.

2 A. The department shall designate community action agencies
every 7 years pursuant to the requirements of this
4 subchapter.

6 B. The department shall establish audit requirements in
accordance with the Maine Uniform Accounting and Auditing
8 Practices Act for Community Agencies.

10 C. The department shall evaluate community action agencies
every 3 years.

12 D. Any community agency designated as a community action
14 agency under the former Maine Community Services Act prior
to the effective date of this section retains that
16 designation until rescinded.

18 4. Planning and coordination for state services. The
department shall provide planning and coordination for state
20 services to low-income people.

22 5. Technical assistance. The department shall provide
technical assistance to community action agencies and other
24 groups serving the interests of low-income people in this State.

26 6. Research and assistance to Governor. The department
shall provide research and assistance to the Governor as the
28 Governor may request.

30 7. Monitoring local program operators. The department is
responsible for monitoring subgrantees to ensure conformance with
32 appropriate rules.

34 §13107. Designation of community action agencies

36 1. Designation. The department shall designate community
action agencies to carry out the purposes of this subchapter.
38 These designations are for 7 years.

40 2. Designation withdrawn. The department may withdraw its
designation of a community action agency after an evaluation in
42 which the agency has demonstrated substantial incompetency and a
clear inability to carry out the purposes of this subchapter,
44 unless there is or has been financial malfeasance, which may be
cause for immediate withdrawal of designation.

46 The department shall notify an agency of a pending withdrawal of
designation. Upon notification, the agency has up to 6 months to
48 take corrective action, at which time a designation withdrawal
evaluation must be performed by the department. Failure to pass
50 this evaluation means immediate loss of designation.

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2 Upon the final order from the department that rescinds a
3 community action agency's designation, the community action
4 agency may file a petition for review of this final decision in
5 the appropriate Superior Court within 30 days under the Maine
6 Rules of Civil Procedure, Rule 80B.

8 §13108. Community action agencies

10 1. Duties. Community action agencies shall:

12 A. Develop information as to the causes and conditions of
13 poverty in the service area;

14 B. Determine how much and how effectively assistance is
15 being provided to deal with those causes and conditions;

18 C. Establish priorities among projects, activities and
19 areas as needed for the best and most efficient use of
20 available resources;

22 D. Develop, administer and operate programs to reduce
23 poverty with particular emphasis on self-help approaches and
24 programs to promote economic opportunities through
25 affirmative action;

26 E. Initiate, sponsor and provide programs and services
27 responsible to the needs of the poor that are not otherwise
28 being met;

30 F. Promote interagency cooperation and coordination of all
31 services and activities in the service area that are related
32 to the purposes of this subchapter;

34 G. Establish effective procedures by which the poor and
35 other concerned area residents are able to influence the
36 character of programs affecting their interests, provide for
37 their regular participation in the implementation of those
38 programs and provide technical and other support needed to
39 enable low-income and neighborhood groups to secure on their
40 own behalf available assistance from public and private
41 sources;

44 H. Join with and encourage business, labor and other
45 private groups and organizations to undertake, together with
46 private officials and agencies, activities in support of the
47 purposes of this article that will result in the increased
48 use of private resources and capabilities in providing
49 social and economic opportunities to low-income citizens;

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2 I. Enter into contracts with federal, state and local
3 public agencies and private agencies and organizations,
4 businesses and individuals as necessary to carry out the
5 purposes of this subchapter; and

6 J. Be eligible to receive funds from such federal, state,
7 local and private sources as appropriate to carry out the
8 purposes of this subchapter.

10 2. Governing board for community action agency. A community
11 action agency shall establish a governing board of directors to
12 consist of not less than 15 nor more than 30 members. One third
13 of the members must be representatives of low-income residents of
14 the service area who are selected through a democratic process in
15 accordance with guidelines established by the department. One
16 third of the members must be elected public officials, or their
17 designees, or officials of public agencies operating in the
18 service area. One third of the members must be representatives
19 of private sector organizations, including business and industry,
20 as well as educational, civic, labor and religious organizations.

22 The board of directors of a community action agency is
23 responsible for the following:

24 A. Overall direction, oversight and development of policies
25 of the agency;

28 B. Selection, evaluation and dismissal of the executive
29 director of the community action agency;

30 C. Approval of all contracts;

32 D. Approval of all agency budgets;

34 E. Performance of an annual audit by an independent,
35 qualified outside auditor. The audit must be submitted upon
36 completion to the department;

38 F. Convening public meetings to provide low-income and other
39 citizens of the service area the opportunity to comment upon
40 policies and programs of the community action agency; and

42 G. Evaluating agency programs and assessing community and
43 agency needs.

46 All meetings of the board of directors must be in accordance with
47 the freedom-of-access laws.

48 3. Programs. All programs administered by community action
49 agencies must be in conformance with federal and state laws,
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rules and regulations. Applicants for programs and assistance must be promptly notified of their rights and responsibilities when they qualify for or are denied services.

§13109. Confidentiality of records

1. Confidentiality. Records containing the following information are confidential and may not be considered public records for the purpose of Title 1, section 402, subsection 3:

A. Any information acquired by a state agency, municipality, district, private corporation, copartnership, association, fuel vendor, private contractor or individual, or an employee or agent of any of those persons or entities, providing services relating to the Low-income Home Energy Assistance Program established in Title 30-A, section 4991 or programs administered by community action agencies, when that information was provided by the applicant for those services or by any 3rd person; and

B. Any statements of financial condition or information pertaining to financial condition submitted to any of the persons or entities set forth in paragraph A in connection with an application for services relating to the Low-income Home Energy Assistance Program or programs administered by community action agencies.

2. Exceptions. Notwithstanding subsection 1, any person or agency directly involved in the administration or auditing of those programs and any agency of the State with a legitimate reason to know must be given access to those records.

3. Waiver of protection. Nothing in this section may be construed to limit in any way the right of any person whose interest is protected by this section to waive in writing the benefits of protection.

4. Reports to State Government or Federal Government. Notwithstanding subsection 1, the department shall make such full and complete reports concerning its administration of authorized programs as may be required by the Legislature, the Federal Government or any agency or department of the Federal Government.

§13110. Penalty

Whoever knowingly uses, transfers, acquires or possesses fuel provided through fuel assistance in any manner not authorized by this article or the rules issued under this subchapter is guilty of a Class E crime.

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PART E

Sec. E-1. Positions; abolition and creation.

1. The following positions are abolished:

- A. Director, Division of Community Services;
- B. Deputy Director, Division of Community Services;
- C. Assistant to the Director, Division of Community Services; and
- D. One Program Operations Manager, Division of Community Services.

Sec. E-2. Transition provisions. The following provisions apply to the reassignment of the duties and responsibilities of the former Division of Community Services.

1. The Department of Human Services is the successor in every way to the powers, duties and functions of the former Division of Community Services in the areas of Head Start and the Maine Children's Trust Fund.

2. The Department of Economic and Community Development is the successor in every way to the powers, duties and functions of the former Division of Community Services as those powers, duties and functions pertained to administration of the Community Services Block Grant Program.

3. The Maine State Housing Authority is the successor in every way to the powers, duties and functions of the Division of Community Services, as those powers, duties and functions pertained to administration of the low-income heating energy assistance programs and homelessness programs.

4. Notwithstanding the provisions of the Maine Revised Statutes, Title 5, all accrued expenditures, assets, liabilities, balances or appropriations, allocations, transfers, revenues or other available funds in an account or subdivision of an account of the Division of Community Services must be transferred to the proper accounts by the State Controller upon the request of the State Budget Officer and with the approval of the Governor.

5. All rules and procedures in effect, in operation or adopted on the effective date of this Act in or by the former Division of Community Services or any of its administrative units or officers remain in effect until rescinded, revised or amended by the proper authority.

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2 6. All contracts, agreements and compacts in effect on the
effective date of this Act in the former Division of Community
4 Services remain in effect.

6 7. Any authorized and allocated positions of the former
Division of Community Services not specifically deleted in this
8 Act that are subject to the personnel laws remain authorized.
Authorized positions and incumbent personnel in Head Start
10 programs are transferred to the Department of Human Services.
Authorized positions and incumbent personnel in the Community
12 Services Block Grant Program at the former Division of Community
Services are transferred to the Department of Economic and
14 Community Development.

16 8. The following provisions apply to any state personnel
transferred to the Department of Human Services under this Act.

18 A. The employees retain their accrued fringe benefits,
20 including vacation and sick leave, health and life insurance
and retirement benefits.

22 B. Employees who are members of collective bargaining units
24 on the effective date of this Act remain members in their
respective bargaining units and retain all rights,
26 privileges and benefits provided by their collective
bargaining agreements with respect to state service.

28 C. Employees who are members of the Maine State Retirement
30 System remain members of the Maine State Retirement System.

32 D. The Department of Administration, Bureau of Human
34 Resources shall assist with the orderly implementation of
these provisions.

36 9. Any position identified for transfer to another agency
in this subsection that, on the effective date of this Act, is
38 vacant or is held by a person who was not incumbent in that
position on June 21, 1991 is abolished. The following positions
40 at the Division of Community Services are transferred to other
agencies on the effective date of this Act according to the
42 provisions of this section only if the person incumbent in the
position on June 21, 1991 is also incumbent in the position on
44 the effective date of this Act. Positions and incumbent
personnel at the Division of Community Services are transferred
46 as follows:

48 A. To the Department of Human Services:

50 (1) One Federal Head Start Director;

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- 2 (2) One Clerk Typist III; and
- 3 (3) One Field Examiner III;

4 B. To the Department of Economic and Community Development:

- 6 (1) One Community Services Auditor;
- 7 (2) One Accountant II; and
- 8 (3) One Secretary; and

10 C. To the Maine State Housing Authority:

- 12 (1) One Business Manager II;
- 13 (2) One Field Examiner II;
- 14 (3) One Accountant I;
- 15 (4) One Evaluation Team Facilitator (Acting);
- 16 (5) One Clerk Typist III; and
- 17 (6) One Account Clerk II.

18
20 10. Incumbent personnel transferred to the Maine State
21 Housing Authority under subsection 9 are subject to the following
22 provisions.

23 A. Transferred employees may, at their option, remain state
24 employees for 2 years after the effective date of this Act,
25 if they remain continuously in their current positions or in
26 other positions that were transferred from the Division of
27 Community Services on the effective date of this Act.
28 Employees who do not remain state employees become employees
29 of the Maine State Housing Authority with the rights and
30 obligations of other authority employees.

31 B. Transferred employees who remain state employees retain
32 their accrued fringe benefits associated with state
33 employment, including vacation and sick leave and health and
34 life insurance, as long as they continue as state employees.

35 C. Transferred employees who remain state employees and who
36 are members of collective bargaining units on the effective
37 date of this Act remain members in their respective
38 bargaining units and retain all rights, privileges and
39 benefits provided by their collective bargaining agreements
40 with respect to state service as long as they remain state
41 employees.

42 D. Transferred employees who elect to remain state
43 employees remain members of the Maine State Retirement
44 System as long as they remain state employees.

45 E. The Maine State Housing Authority shall reimburse the
46 State for all costs related to the transferred employees who
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2 elect to remain state employees. The reimbursement includes
the employer's share of contributions to the Maine State
Retirement System for those employees.

4
6 F. The designation of the positions of transferred
employees who remain state employees as positions that may
be held by state employees is terminated when those
8 positions are vacated by those employees transferred by this
Act, unless filled by other employees transferred by this
10 Act who elected to remain state employees. Positions
similar to those terminated may be established within the
12 Maine State Housing Authority.

14 G. The Department of Administration, Bureau of Human
Resources shall assist with the orderly implementation of
16 these provisions.

18 11. All records, property and equipment previously
belonging to or allocated for the use of the former Division of
20 Community Services must be transferred to the department or
agency to which those programs were transferred. On the
22 effective date of this Act, records, property and equipment
assigned to the Head Start program become part of the property of
24 the Department of Human Services; records, property and equipment
assigned to the Community Services Block Grant Program become
26 part of the property of the Department of Economic and Community
Development; and all records, property and equipment assigned to
28 the Low-income Heating Energy Assistance Program become part of
the property of the Maine State Housing Authority.

30 12. All existing forms, licenses, letterheads and similar
32 items bearing the name of or referring to the Division of
Community Services may be used by the Department of Human
34 Services, the Department of Economic and Community Development
and the Maine State Housing Authority until existing supplies of
36 those items are exhausted.

38 **Sec. E-3. State plan for the administration of the Low-income Home
Energy Assistance Program for the 1992-93 program year.** In
40 developing a state plan and rules for the administration of the
Low-income Home Energy Assistance Program under the Maine Revised
42 Statutes, Title 30-A, chapter 201, subchapter XIII for the
1992-93 program year, the Maine State Housing Authority shall
44 consult with an advisory group that, at a minimum, must consist
of representatives of the following entities: Bangor
46 Hydro-Electric Company, Central Maine Power Company, Northern
Utilities Company, the Public Advocate, Pine Tree Legal
48 Assistance, the Maine Oil Dealer's Association and the Community
Action Program Director's Association. In consultation with this
50 group, the authority shall develop rules for

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implementation in the 1992-93 program year that target benefits to applicants with the greatest need as measured to the maximum extent possible by the applicant's actual costs of home energy based on historical usage in relation to the applicant's income. Nothing in this section precludes the consideration in the rules of increased benefits to households with increased danger of hypothermia.

PART F

Revision clause. The Revisor of Statutes shall change all references to the former Division of Community Services that appear in the Maine Revised Statutes to the appropriate agency of State Government.

PART G

Sec. G-1. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1991-92	1992-93
EXECUTIVE DEPARTMENT		
Administration - Community Services		
Positions	(-3.0)	(-3.0)
Personal Services	(\$113,963)	(\$182,662)
All Other	(16,090)	(21,195)
TOTAL	<u>(\$130,053)</u>	<u>(\$203,857)</u>

Provides for the deappropriation of funds from the elimination of the Director position, the Deputy Director position and the Assistant to the Director position and related operating expenses.

EXECUTIVE DEPARTMENT		
TOTAL	<u>(\$130,053)</u>	<u>(\$203,857)</u>

Sec. G-2. Allocation. The following funds are allocated from Federal Block Grant funds to carry out the purposes of this Act.

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2 1991-92 1992-93

4 EXECUTIVE DEPARTMENT

6 Low-income Home Energy
Assistance

8
10 Positions - Legislative Count (-1.0) (-1.0)
Personal Services (\$35,862) (\$56,917)

12 Provides for the deallocation
14 of funds from the elimination
of one Program Operations
16 Manager position within the
Division of Community
Services.

18
20 EXECUTIVE DEPARTMENT
TOTAL (\$35,862) (\$56,917)

22 FISCAL NOTE

24 1991-92 1992-93

26 APPROPRIATIONS/ALLOCATIONS

28 General Fund (\$130,053) (\$203,857)
30 Other Funds (\$35,862) (\$56,917)

32 This bill abolishes the Division of Community Services
34 within the Executive Department and reassigns its
responsibilities to the Department of Human Services, the
36 Department of Economic and Community Development and the Maine
State Housing Authority. The abolishment of 4 administrative
38 positions will result in savings to the General Fund in the
amount of \$130,053 in fiscal year 1991-92 and \$203,857 in fiscal
40 year 1992-93 and in Federal Block Grant Fund savings in the
amount of \$35,862 in fiscal year 1991-92 and \$56,917 in fiscal
year 1992-93.

42
44 STATEMENT OF FACT

46 This amendment replaces the committee amendment and the
bill. The amendment abolishes 4 positions in the Division of
48 Community Services, abolishes the division and moves its
functions to other agencies of State Government. The Community
50 Services Block Grant Program and funds are moved to the

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2 Department of Economic and Community Development. The Head Start
3 program and the Maine Children's Trust Fund are moved to the
4 Bureau of Child and Family Services within the Department of
5 Human Services and the Low-income Home Energy Assistance Program
6 is moved to the Maine State Housing Authority.

8 This amendment retains the Department of Economic and
9 Community Development and retains all positions in that
10 department that were targeted for abolishment in the committee
11 amendment.

12
13
14 (Senator CLARK)

15 SPONSORED BY: 

16
17 COUNTY: Cumberland
18
19
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Reproduced and Distributed Pursuant to Senate Rule 12.
(7/17/91) (Filing No. S-473)