

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
115TH LEGISLATURE  
SECOND REGULAR SESSION

HOUSE AMENDMENT "O" to COMMITTEE AMENDMENT "A" to H.P. 1547, L.D. 2185, Bill, "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years ending June 30, 1992 and June 30, 1993 and to Change Certain Provisions of the Laws"

Amend the amendment by inserting before the fiscal note the following:

PART XX

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 XX-1. 5 MRSA c. 330, as amended, is repealed.

Sec. XX-2. 5 MRSA §12004-G, sub-§16, as enacted by PL 1987, c. 786, §5, is repealed.

Sec. XX-3. 22 MRSA §3721, sub-§§1 and 2, as enacted by PL 1987, c. 402, Pt. A, §142, are repealed.

Sec. XX-4. 22 MRSA §3721, sub-§§2-A and 3-A are enacted to read:

2-A. Bureau. "Bureau" means the Bureau of Child and Family Services within the department.

3-A. Income. "Income" means annual contributions made to the fund through the income tax checkoff plus interest earned by the fund.

Sec. XX-5. 22 MRSA §3721, sub-§§5 and 6, as enacted by PL 1991, c. 9, Pt. BB, §1, are repealed.

Sec. XX-6. 22 MRSA §3722, as enacted by PL 1987, c. 402, Pt. A, §142, is amended to read:

2       **§3722. Maine Children's Trust Fund**

4           1.   **Establishment.**   There is established the Maine  
Children's Trust Fund. ~~It shall receive~~ The fund receives money  
6 deposited by the Treasurer of State pursuant to Title 36, section  
5285. The fund is administered by the bureau.

8  
10           2.   **Purpose.**   The purpose of the Maine Children's Trust Fund  
is to provide ~~a mechanism for voluntary contributions by Maine~~  
12 ~~taxpayers through an income tax checkoff for~~ permanent funding of  
prevention programs ~~designed to prevent abuse, neglect and mental~~  
14 ~~illness among Maine children. This funding is intended primarily~~  
~~to support local prevention programs which do not duplicate other~~  
~~state-funded programs.~~

16           Sec. XX-7. 22 MRSA §3723, as amended by PL 1989, c. 700, Pt.  
18 A, §83, is repealed.

20           Sec. XX-8. 22 MRSA §3724, as amended by PL 1991, c. 9, Pt.  
BB, §3, is repealed.

22           Sec. XX-9. 22 MRSA §3725, as amended by PL 1991, c. 9, Pt.  
24 BB, §4, is repealed.

26           Sec. XX-10. 22 MRSA §3725-A is enacted to read:

28       §3725-A. Disbursement of fund income

30           The bureau shall disburse income in accordance with the  
following provisions.

32           1.   Distribution to community coordinating committees.  
34 Notwithstanding section 3873, the bureau shall distribute income  
available under this section to the community coordinating  
36 committees created under chapter 1057. The bureau shall  
distribute the income on a per capita basis, with each  
38 coordinating committee receiving an amount that reflects the  
population of its area of jurisdiction. The community  
40 coordinating committees shall use funds received under this  
subsection for the development and operation of prevention  
42 programs.

44           2.   Administrative allowance.   The bureau may expend up to  
but no more than 1% of income each year to administer the fund.

46           3.   Income up to \$100,000.   Of the first \$100,000 of income  
48 each year, the amount remaining after disbursement of the  
administrative allowance must be expended as follows: 1/3 must

2 be allocated to the fund and 2/3 must be disbursed in accordance  
with subsection 1.

4 4. Income greater than \$100,000 up to \$500,000. One half  
5 of the amount of income each year that exceeds \$100,000 but does  
6 not exceed \$500,000 must be allocated to the fund. The bureau  
7 shall disburse the remainder in accordance with subsection 1.

8 5. Income above \$500,000. Income each year that exceeds  
9 \$500,000 must be allocated to the fund until the fund reaches  
10 \$4,000,000. When the fund reaches \$4,000,000, contributions  
11 cease, as provided in Title 36, section 5285, and,  
12 notwithstanding subsections 3 and 4, the bureau shall disburse  
13 annually in accordance with subsections 1 and 2 the total amount  
14 of interest earned by the fund.

15 **Sec. XX-11. 22 MRSA §3726, as enacted by PL 1987, c. 402,**  
16 **Pt. A, §142, is repealed.**

17 **Sec. XX-12. 22 MRSA §3726-A is enacted to read:**

18 **§3726-A. Rules; report**

19 The commissioner may adopt rules to implement this chapter.  
20 Annually by January 15, the commissioner shall submit a report to  
21 the joint standing committees of the Legislature having  
22 jurisdiction over human resources matters and appropriations  
23 matters. The report must provide a summary of the fund for the  
24 previous fiscal year, including the amount of income, the amount  
25 and a description of each disbursement made and the amount  
26 allocated to the fund.

27 **Sec. XX-13. 22 MRSA §5312 is enacted to read:**

28 **§5312. Head Start**

29 The Head Start program is administered by the Bureau of  
30 Child and Family Services.

31 **Sec. XX-14. 22 MRSA c. 1477 is enacted to read:**

32 **CHAPTER 1477**

33 **COMMUNITY SERVICES**

34 **§5321. Definitions**

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

1. Bureau. "Bureau" means the Bureau of Child and Family Services within the department.

2. 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.

3. Director. "Director" means the director of the bureau.

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

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

#### §5322. Bureau responsibilities

The bureau shall carry out the responsibilities of State Government related to planning and financing community services and community action agencies and shall administer state and federal community services programs and other block grants that may be available, including, but not limited to, the Community Services Block Grant.

#### §5323. Powers and duties

1. Federal, state and other funds. Through plans and contracts, the bureau shall obtain, distribute and administer federal, state and other community services funds. Any balances of funds appropriated to the bureau to carry out the purposes of this chapter may not lapse, but must be carried forward from year to year to be expended for the same purpose.

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

A. Conduct an annual survey of poverty in Maine, reporting 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

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

6           3. Overseeing community action agencies. The bureau shall  
          oversee community action agencies as follows.

8           A. The bureau shall designate community action agencies  
10          every 7 years in accordance with the requirements of this  
          chapter.

12          B. The bureau shall establish audit requirements in  
14          accordance with the Human Services Community Agency  
          Accounting Practices Act.

16          C. The bureau shall evaluate community action agencies  
18          every 3 years.

20          4. Planning and coordination for state services. The  
          bureau shall provide planning and coordination for state services  
22          to people with low income.

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

28          6. Monitoring local program operators. The bureau shall  
30          monitor subgrantees to ensure conformance with appropriate rules.

32          **§5324. Community action agencies**

34          1. Designation. Community action agencies must be  
          designated by the bureau to carry out the purposes of this  
36          chapter. In making these designations, the bureau shall solicit  
          and consider comments from other state agencies or authorities  
38          that operate programs in which community action agencies  
          participate. These designations are for 7 years.

40          2. Designation withdrawn. The bureau 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 chapter, unless  
44          there is or has been financial malfeasance, which may be cause  
46          for immediate withdrawal of designation. In performing these  
          evaluations, the bureau shall solicit and consider comments from  
48          other state agencies or authorities that operate programs in  
          which the community action agency participates.

50

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

7 Upon the final order from the bureau that rescinds a community  
8 action agency's designation, the community action agency may file  
9 a petition for review of this final decision in the appropriate  
10 Superior Court within 30 days under the Maine Rules of Civil  
11 Procedure, Rule 80B.

12 3. Community action agencies. Community action agencies  
13 have the power and duty to:

14 A. Develop information regarding the causes and conditions  
15 of poverty in the service area;

16 B. Determine how much and how effectively assistance is  
17 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;

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

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

28 F. Promote interagency cooperation and coordination of all  
29 services and activities in the service area that are related  
30 to the purposes of this chapter;

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

39 H. Join with and encourage business, labor and other  
40 private groups and organizations to undertake, together with  
41 private officials and agencies, activities in support of the  
42 purposes of this chapter.

2 purposes of this chapter that will result in the increased  
3 use of private resources and capabilities in providing  
4 social and economic opportunities to low-income citizens;

5 I. Enter into contracts with federal, state and local  
6 public agencies and private agencies and organizations,  
7 businesses and individuals as necessary to carry out the  
8 purposes of this chapter; and

9 J. Receive funds from federal, state and local public and  
10 private sources as appropriate to carry out the purposes of  
11 this chapter.

12  
13 **§5325. Governing board for community action agency**

14  
15 **1. Board of directors; establishment.** Each community action  
16 agency shall establish a governing board of directors, which must  
17 consist of not less than 15 nor more than 30 members. One third  
18 of the members must be representatives of low-income residents of  
19 the service area who are selected through a democratic process in  
20 accordance with guidelines established by the bureau. One third  
21 of the members must be elected public officials or their  
22 designees or officials of public agencies operating in the  
23 service area. One third of the members must be representatives  
24 of private sector organizations, including business and industry,  
25 as well as educational, civic, labor and religious  
26 organizations. All meetings of the board of directors must be in  
27 accordance with the freedom of access laws.

28  
29 **2. Responsibilities.** A community action agency board of  
30 directors is responsible for the following:

31  
32 **A. Overall direction, oversight and development of policies**  
33 of the agency;

34  
35 **B. Selection, evaluation and dismissal of the executive**  
36 director of the community action agency;

37 **C. Approval of all contracts;**

38  
39 **D. Approval of all agency budgets;**

40  
41 **E. Performance of an annual audit by an independent,**  
42 qualified outside auditor. The audit must be submitted upon  
43 completion to the bureau;

44  
45 **F. Convening public meetings to provide low-income and**  
46 other citizens of the service area the opportunity to  
47 comment upon policies and programs of the community action  
48 agencies; and  
49  
50



2           G. Evaluate agency programs and assess community and agency  
4           needs.

6           **§5326. Programs**

8           All programs administered by community action agencies must  
10           conform with federal and state laws and regulations. Applicants  
12           for programs and assistance must be promptly notified of their  
14           rights and responsibilities when they qualify for or are denied  
16           services.

18           **§5327. Allocation of Community Services Block Grant funds**

20           1. Distribution of Community Services Block Grant funds.  
22           In accordance with Title 5, section 1670, the bureau shall  
24           administer and distribute to community action agencies Community  
26           Services Block Grant funds received from the Federal Government.  
28           The bureau may expend up to but not more than 5% of the block  
30           grant per fiscal year to carry out its administrative functions  
32           under this chapter.

34           2. Community action agencies; priority. Of the amount  
36           passed through to local agencies, community action agencies must  
38           receive first priority in the allocation of Community Services  
40           Block Grant funds. These funds must be distributed according to  
42           a formula determined annually as follows.

44           A. Twenty percent of the amount passed through to local  
46           agencies must be divided equally among all designated  
48           agencies.

B. The balance of the funds must be distributed according  
            to rules adopted by the bureau.

3. Block grant proposals. Proposals for Community Services  
            Block Grant funds submitted to the Legislature by the bureau in  
            accordance with Title 5, section 1670 must be developed and must:

A. Include a description of current allocation of Community  
            Services Block Grant funds and how the plan proposes to  
            change that allocation;

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

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

**§5328. Confidentiality of records**

2  
4 1. Confidentiality. Records containing the following  
6 information are confidential and may not be considered public  
8 records for the purpose of Title 1, section 402, subsection 3:

10 A. Any information acquired by a state agency,  
12 municipality, district, private corporation, copartnership,  
14 association, fuel vendor, private contractor, individual or  
16 an employee or agent of any of those persons or entities,  
18 providing services related to authorized programs of the  
20 bureau or programs administered by community action  
22 agencies, when that information was provided by the  
24 applicant for those services or by any 3rd person; and

26 B. Any statements of financial condition or information  
28 pertaining to financial condition submitted to any of the  
30 persons or entities set forth in paragraph A in connection  
32 with an application for services related to authorized  
34 programs of the bureau or programs administered by community  
36 action agencies.

38 2. Exceptions. Notwithstanding subsection 1, any person or  
40 agency directly involved in the administration or auditing of  
42 authorized programs of the bureau or programs administered by  
44 community action agencies and any agency of the State with a  
46 legitimate reason to know must be given access to those records  
48 described in subsection 1.

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

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

**§5329. Rules**

68 The bureau shall adopt rules to carry out the requirements  
70 of this chapter.

72 Sec. XX-15. 30-A MRSA §5042, sub-§1, as amended by PL 1989,  
74 c. 700, Pt. A, §128, is further amended to read:

2           1. **Membership.** The Interagency Task Force on Homelessness  
and Housing Opportunities shall ~~consist~~ consists of ~~13~~ 12 people  
appointed as follows:

4           A. The commissioners or their designees of:

6                   (1) The Department of Human Services;

8                   (2) The Department of Labor;

10                  (3) The Department of Corrections;

12                  (4) The Department of Education;

14                  (5) The Department of Economic and Community  
16                  Development; and

18                  (6) The Department of Mental Health and Mental  
20                  Retardation;

22           B. The ~~Directors~~ director of:

24                   (1) The Maine State Housing Authority; and

26                   ~~(2) The Division of Community Services;~~

28           C. Five persons appointed jointly by the President of the  
Senate and the Speaker of the House of Representatives as  
follows:

30                   (1) One member to represent a community action agency;

32                   (2) One member to represent a nonprofit agency  
34                   providing shelter to the homeless;

36                   (3) One member to represent a nonprofit housing  
development corporation;

38                   (4) One member to represent municipalities; and

40                   (5) One member to represent low-income people.

42           **Sec. XX-16. Appropriation.** The following funds are  
44           appropriated from the General Fund to carry out the purposes of  
this Part.

1992-93

2

**EXECUTIVE DEPARTMENT**

4

**Head Start**

6

Positions-Legislative Count (-1.0)

8

Personal Services (\$31,561)

All Other (2,327,135)

10

**TOTAL** (2,358,696)

12

14

16

Provides for the deappropriation of funds due to the transfer of the Head Start program and one Clerk Typist III position to the Department of Human Services.

18

**Administration - Community Services**

20

Positions-Legislative Count (-2.0)

22

Personal Services (95,704)

All Other (20,000)

24

**TOTAL** (115,704)

26

28

30

Provides for the deappropriation of funds through the elimination of one Director position and one Program Operations Manager position and related funds due to the elimination of the Office of Community Services.

32

34

**EXECUTIVE DEPARTMENT**

**TOTAL** (2,474,400)

36

**HUMAN SERVICES, DEPARTMENT OF**

38

**Head Start**

40

Positions-Legislative Count (1.0)

42

Personal Services 31,561

All Other 2,327,135

44

46

48

Provides for the appropriation of funds due to the transfer of the Head Start program and one Clerk Typist III position from the Office of Community Services.

50

**DEPARTMENT OF HUMAN SERVICES**

**TOTAL** 2,358,696

2	<b>SECTION XX-16</b>	
	<b>TOTAL APPROPRIATIONS</b>	<u>(\$115,704)</u>
4		
6	<b>Sec. XX-17. Allocation.</b> The following funds are allocated from Federal Expenditure funds to carry out the purposes of this Part.	
8		
		<b>1992-93</b>
10		
12	<b>EXECUTIVE DEPARTMENT</b>	
14	<b>Head Start</b>	
16	Positions-Other Count	(-2.0)
	Personal Services	(\$75,558)
	All Other	(8,612)
18		
20	Provides for the deallocation of funds due to the transfer of the Head Start program to the Department of Human Services to include one State Head Start Program Coordinator position and one Secretary position.	
22		
24		
26	<b>EXECUTIVE DEPARTMENT</b>	
	<b>TOTAL</b>	<u>(84,170)</u>
28	<b>HUMAN SERVICES, DEPARTMENT OF</b>	
30	<b>Head Start</b>	
32	Positions-Other Count	(2.0)
	Personal Services	75,558
34	All Other	8,612
36		
38	Provides for the allocation of funds due to the transfer of the Head Start program from the Office of Community Services to include one State Head Start Program Coordinator position and one Secretary position.	
40		
42	<b>DEPARTMENT OF HUMAN SERVICES</b>	
	<b>TOTAL</b>	<u>84,170</u>
44		
46	<b>SECTION XX-17</b>	
	<b>TOTAL ALLOCATIONS</b>	<u>\$-0-</u>
48		
50	<b>Sec. XX-18. Allocation.</b> The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Part.	

2		1992-93
4	<b>EXECUTIVE DEPARTMENT</b>	
6	<b>Maine Children's Trust Fund - Community Services</b>	
8		
10	Positions-Other Count	(-1.0)
10	Personal Services	(\$24,571)
12	All Other	(94,938)
14	Provides for the deallocation of funds due to the transfer of the Maine Children's Trust Fund to the Department of Human Services and the elimination of one Clerk Typist II position.	
18		
20	<b>EXECUTIVE DEPARTMENT TOTAL</b>	<hr/> 119,509
22	<b>HUMAN SERVICES, DEPARTMENT OF</b>	
24	<b>Maine Children's Trust Fund - Child and Family Services</b>	
26		
28	All Other	119,509
30	Provides for the allocation of funds for costs to administer the Maine Children's Trust Fund and for distribution to child abuse and neglect councils for the development and operation of prevention programs.	
34		
36	<b>DEPARTMENT OF HUMAN SERVICES TOTAL</b>	<hr/> 119,509
38		
40	<b>SECTION XX-18 TOTAL ALLOCATIONS</b>	<hr/> \$-0-
42	<b>Sec. XX-19. Allocation.</b> The following funds are allocated from Federal Block Grant funds to carry out the purposes of this Part.	
44		
46		1992-93
48	<b>EXECUTIVE DEPARTMENT</b>	
50	<b>Administration - Community Services</b>	

2	Positions-Legislative Count	(-1.0)
	Personal Services	(\$53,593)
4	All Other	(1,946,407)

6 Provides for the deallocation of funds  
8 through the transfer of the Community  
10 Services Block Grant to the Department of  
Human Services to include the transfer of  
one Fiscal Operations Manager position.

12	<b>EXECUTIVE DEPARTMENT</b>	
	<b>TOTAL</b>	<u>(2,000,000)</u>

14 **HUMAN SERVICES, DEPARTMENT OF**  
16 **Community Services Block Grant**

18	Positions-Legislative Count	(1.0)
20	Personal Services	53,593
	All Other	1,946,407

22 Provides for the allocation of funds due to  
24 the transfer of the Community Services Block  
26 Grant program and one Fiscal Operations  
Manager position from the Office of  
Community Services.

28	<b>DEPARTMENT OF HUMAN SERVICES</b>	
30	<b>TOTAL</b>	<u>(2,000,000)</u>

32	<b>SECTION XX-19</b>	
	<b>TOTAL ALLOCATIONS</b>	<u>\$-0-</u>

34 **Sec. XX-20. Transition provisions.** The following provisions  
36 apply to the reassignment of the duties and responsibilities of  
the former Office of Community Services.

38 1. The Department of Human Services is the successor in  
40 every way to the powers, duties and functions of the former  
Office of Community Services.

42 2. Notwithstanding the provisions of the Maine Revised  
44 Statutes, Title 5, all accrued expenditures, assets, liabilities,  
46 balances or appropriations, allocations, transfers, revenues or  
other available funds in an account or subdivision of an account  
48 of the Office 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.

50

2 3. All rules and procedures in effect, in operation or  
4 adopted on the effective date of this Part by the former Office  
6 of Community Services or any of its administrative units or  
8 officers remain in effect until rescinded, revised or amended by  
10 the proper authority. All existing rules regarding the Maine  
Children's Trust Fund that were adopted by the Board of the Maine  
Children's Trust Fund, the Division of Community Services or the  
Office of Community Services remain in effect until rescinded,  
revised or amended by the proper authority.

12 4. All contracts, agreements and compacts in effect on the  
14 effective date of this Part in the former Office of Community  
Services remain in effect.

16 5. The positions of Director and Program Operations Manager  
18 within the Office of Community Services are abolished. Any  
20 position not specifically transferred under this Part is also  
22 abolished. Authorized Community Services Block Grant positions  
and authorized Head Start positions are transferred to the  
Department of Human Services, Bureau of Child and Family  
Services. The Bureau of Human Resources shall assist with the  
orderly implementation of these provisions.

24 6. All records, property and equipment previously belonging  
26 to or allocated for the use of the Office of Community Services  
28 are transferred to the Department of Human Services, Bureau of  
Child and Family Services.

30 **Sec. XX-21. Revision clause.** The Revisor of Statutes shall  
32 change all references to the former Office of Community Services  
that appear in the Maine Revised Statutes to the appropriate  
agency or bureau.

34 **Sec. XX-22. Effective date.** This Part takes effect on July 1,  
36 1992.'

#### 38 FISCAL NOTE

40 This amendment will increase the total General Fund savings  
of the bill by \$115,704 in fiscal year 1992-93.

#### 42 STATEMENT OF FACT

44 This amendment abolishes the Office of Community Services  
46 and transfers all of its functions to the Bureau of Child and  
48 Family Services within the Department of Human Services. Those  
responsibilities include the Head Start program, administration  
of the Community Services Block Grant, designation and oversight



HOUSE AMENDMENT "O" to COMMITTEE AMENDMENT "A" to H.P. 1547,  
L.D. 2185

2 of community action agencies and administration of the Children's  
Trust Fund.

4 This amendment abolishes the Board of the Maine Children's  
Trust Fund, which has not had any members since 1991. To reduce  
6 the administrative burden of the fund, the grant process is  
replaced with a per capita allocation to local child abuse and  
8 neglect councils.

10 Two General Fund positions are abolished. Head Start  
positions and Community Services Block Grant positions are  
12 transferred to the Bureau of Child and Family Services.

14

Filed by Rep. Manning of Portland  
Reproduced and distributed under the direction of the Clerk of the  
House  
3/24/92 (Filing No. H-1220)

44