

MAINE STATE LEGISLATURE

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

HOUSE AMENDMENT "R" 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 XX-1. 5 MRSA c. 330, as amended, is repealed.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 XX-2. 5 MRSA §12004-G, sub-§16, as enacted by PL 1987, c. 786, §5, is repealed.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 A, §142, are repealed.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 BB, §1, are repealed.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 2. Purpose. The purpose of the Maine Children's Trust Fund
10 is to provide ~~a mechanism for voluntary contributions by Maine~~
~~taxpayers through an income tax checkoff for~~ permanent funding of
12 prevention programs ~~designed to prevent abuse, neglect and mental~~
~~illness among Maine children. This funding is intended primarily~~
14 ~~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18 A, §83, is repealed.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BB, §3, is repealed.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24 BB, §4, is repealed.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 to award direct grants for the development and
42 operation of prevention 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
3 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
9 5. Income above \$500,000. Income each year that exceeds
10 \$500,000 must be allocated to the fund until the fund reaches
11 \$4,000,000. When the fund reaches \$4,000,000, contributions
12 cease, as provided in Title 36, section 5285, and,
13 notwithstanding subsections 3 and 4, the bureau shall disburse
14 annually in accordance with subsections 1 and 2 the total amount
15 of interest earned by the fund.

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 A, §142, is repealed.

19
20 Sec. XX-12. 22 MRSA §3726-A is enacted to read:

21
22 §3726-A. Rules; report

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

32
33 Sec. XX-13. 22 MRSA §5312 is enacted to read:

34
35 §5312. Head Start

36
37 The Head Start program is administered by the Bureau of
38 Child and Family Services.

39
40 Sec. XX-14. 22 MRSA c.1477 is enacted to read:

41
42 CHAPTER 1477

43
44 COMMUNITY SERVICES

45
46 §5321. Definitions

47
48 As used in this chapter, unless the context otherwise
49 indicates, the following terms have the following meanings.

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

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

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

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

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

18 **§5322. Bureau responsibilities**

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

28 **§5323. Powers and duties**

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

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

42 A. Conduct an annual survey of poverty in Maine, reporting
the results of this survey to the Governor, the Legislature
44 and the public;

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

50 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 poor.

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

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

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

14 **§5325. Governing board for community action agency**

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

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

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

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

40 C. Approval of all contracts;

42 D. Approval of all agency budgets;

44 E. Performance of an annual audit by an independent,
qualified outside auditor. The audit must be submitted upon
46 completion to the bureau;

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

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.

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

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

§5329. Rules

42 The bureau shall adopt rules to carry out the requirements
44 of this chapter.

46 **Sec. XX-15. 30-A MRSA §5042, sub-§1, as amended by PL 1989,**
48 **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 ~~12~~ 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
Retardation;

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

- 22 (1) The Maine State Housing Authority; and
24 ~~(2) The Division of Community Services;~~

26 C. Five persons appointed jointly by the President of the
28 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.
46

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

18

Administration - Community Services

20

Positions-Legislative Count (-2.0)

Personal Services (95,704)

22

All Other (20,000)

24

TOTAL (115,704)

26

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

32

EXECUTIVE DEPARTMENT

34

TOTAL (2,474,400)

36

HUMAN SERVICES, DEPARTMENT OF

38

Head Start

40

Positions-Legislative Count (1.0)

Personal Services 31,561

42

All Other 2,327,135

44

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

48

DEPARTMENT OF HUMAN SERVICES

50

TOTAL 2,358,696

2 SECTION XX-16
TOTAL APPROPRIATIONS (5115,704)

4
6 Sec. XX-17. Allocation. The following funds are allocated
from Federal Expenditure funds to carry out the purposes of this
Part.

8
10 1992-93

12 EXECUTIVE DEPARTMENT

14 Head Start

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
22 one State Head Start Program Coordinator
position and one Secretary position.

24
26 EXECUTIVE DEPARTMENT
TOTAL (84,170)

28 HUMAN SERVICES, DEPARTMENT OF

30 Head Start

32 Positions-Other Count (2.0)
Personal Services 75,558
34 All Other 8,612

36 Provides for the allocation of funds due to
the transfer of the Head Start program from
38 the Office of Community Services to include
one State Head Start Program Coordinator
40 position and one Secretary position.

42 DEPARTMENT OF HUMAN SERVICES
TOTAL 84,170

44
46 SECTION XX-17
TOTAL ALLOCATIONS \$-0-

48 Sec. XX-18. Allocation. The following funds are allocated
50 from Other Special Revenue funds to carry out the purposes of
this Part.

2

1992-93

4

EXECUTIVE DEPARTMENT

6

**Maine Children's Trust Fund -
Community Services**

8

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.

16

18

EXECUTIVE DEPARTMENT

20

TOTAL

(119,509)

22

HUMAN SERVICES, DEPARTMENT OF

24

**Maine Children's Trust Fund -
Child and Family Services**

26

All Other

119,509

28

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 to award direct
grants for the development and operation of
prevention programs.

30

32

34

36

**DEPARTMENT OF HUMAN SERVICES
TOTAL**

119,509

38

SECTION XX-18

40

TOTAL ALLOCATIONS

\$-0-

42

Sec. XX-19. Allocation. The following funds are allocated
from Federal Block Grant funds to carry out the purposes of this
Part.

44

46

1992-93

48

EXECUTIVE DEPARTMENT

50

Administration - Community Services

3. All rules and procedures in effect, in operation or adopted on the effective date of this Part by the former Office of Community Services or any of its administrative units or officers remain in effect until rescinded, revised or amended by 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.

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

5. The positions of Director and Program Operations Manager within the Office of Community Services are abolished. Any position not specifically transferred under this Part is also 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.

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

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

FISCAL NOTE

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

STATEMENT OF FACT

This amendment abolishes the Office of Community Services and transfers all of its functions to the Bureau of Child and 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 "RR" 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 that will award direct grants.

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
3/29/92

(Filing No. H-1320)

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