

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2291

H.P. 1628

House of Representatives, February 4, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on Human Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative JOSEPH of Waterville.

Cosponsored by Speaker MARTIN of Eagle Lake and President PRAY of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-TWO

**An Act to Consolidate the 10 Existing Committees Dealing with
Children and Families into the Maine Commission for Children and
Families.**



2 Members must be appointed no later than 30 days after the
4 effective date of this chapter.

6 2. Qualifications. Members must have a commitment to
8 issues involving children and families and a practical
10 understanding of how to attain positive change in
12 state-administered services for children and families
14 demonstrated by education, experience, interests and knowledge.
At least 7 of the members must be recipients, former recipients
or immediate family members of a recipient of state-administered
services for children and families. At least 5 of the members
must be well acquainted with community-level services for
children and families.

16 Except for the child welfare services ombudsman, an official,
18 employee, consultant or any other individual employed, retained
20 or otherwise compensated by or representative of the executive
branch of State Government may not be a member of the commission
but shall assist the commission if requested.

22 3. Term of office. The term of office of the members is 2
24 years, except for the first appointed members. Of the first
26 appointed members, 5 appointed by the Governor and 5 appointed by
28 the President of the Senate and Speaker of the House of
30 Representatives shall serve for a term of one year and the
remaining 11 members shall serve for a term of 2 years. The term
of office of each member must be designated at the time of
appointment. Members are eligible for reappointment for not more
than 2 consecutive full terms.

32 4. Expiration. Upon expiration of a member's term, the
34 member shall serve until a successor is appointed and qualified
36 to serve. Any member may be removed for cause by an affirmative
38 vote of at least 14 members. "Cause" must be defined by the
commission and includes excessive absences from committee
meetings.

40 5. Vacancies. A vacancy in the commission is filled for
42 the unexpired balance of the term in the same manner as the
44 original appointment was made.

44 §20203. Powers and duties

46 The commission has the following powers and duties.

48 1. Assist and consult. The commission shall assist,
50 consult with and advise the executive and legislative branches of
52 State Government, including the joint committee of the
Legislature having jurisdiction over children and families
matters, on policy, budgetary and legislative issues relating to
state administered services for children and families.

2 **2. Plan.** The commission shall assist with and participate
4 in planning, development and implementation of state-administered
6 family and child services, with special emphasis on advising the
8 joint committee of the Legislature having jurisdiction over the
restructuring of children and families matters on the
restructuring and streamlining of state-administered services for
children and families.

10 **3. Monitor.** The commission shall monitor, evaluate and
12 advocate for accountability for performance and quality assurance
of state-administered services for children and families.

14 **4. Improve.** The commission shall assist families and
16 children with special needs by advocating individually and
18 systemically for improving the quality and appropriateness of
state-administered services for children and families.

20 **5. Public participation.** The commission shall actively
22 solicit involvement of recipients of services for children and
24 families when the commission carries on activities. Commission
26 activities may include convening public forums, public hearings,
conferences, workshops and other similar educational activities
and meetings to obtain information about, discuss and publicize
the needs and solutions to problems of state-administered
services for children and families.

28 **6. Report.** The commission shall report in writing by
30 February 15th annually to the Legislature, the joint committee of
32 the Legislature having jurisdiction over children and families
matters, the Governor, leaders of appropriate state agencies and
programs and appropriate entities.

34 **7. Administer funds.** The commission shall administer, in
36 accordance with current fiscal and accounting requirements of the
38 State, any funds appropriated or allocated for expenditure by the
commission or any grants or gifts received by the commission.

40 **8. Staff.** The commission shall appoint a full-time
42 executive director who serves at the pleasure of the commission
44 and who is not subject to the Civil Service Law. The executive
46 director is entitled to compensation in an amount determined by
48 the commission. The executive director shall perform duties
assigned by the commission and may make recommendations to the
commission. The commission through the executive director may
employ other staff and shall function as a personnel appointing
authority independent of any other state agency, except that the
commission shall comply with the policies of the Bureau of Human
Resources. The commission may request staff and other assistance
of state agencies as needed to carry out its duties.

2 **§20204. Meetings**

4 The commission shall meet at least once a month during the
6 first 14 months immediately following the effective date of this
8 chapter and thereafter at least 6 times a year. Additional
 meetings may be held as necessary and may be convened at the call
 of the chair or any 2 members.

10 **§20205. Quorum**

12 Eleven members constitute a quorum. Committee action
14 requires an affirmative vote of a majority of those present and
 voting.

16 **§20206. Compensation**

18 Members are entitled to reimbursement for necessary expenses
20 incurred in the work of the commission as provided in Title 5,
 chapter 379.

22 **Sec. 7. 22 MRSA §4089**, as amended by PL 1989, c. 819, §6, is
24 repealed.

26 **Sec. 8. 22 MRSA §8152, sub-§§1 and 3**, as repealed and replaced
 by PL 1987, c. 432, §1, are amended to read:

28 **1. Planning.** ~~The committee,--in--consultation--with--the~~
30 ~~Residential--Treatment--Centers--Advisory--Group,~~ shall develop
 overall state policies for placement of children in need of
32 treatment in residential treatment centers.

34 **3. Contract procedures.** ~~The committee shall develop,--in~~
36 ~~consultation--with--the--Residential--Treatment--Centers--Advisory~~
 ~~Group,~~ contract procedures for the provision of these services by
38 community-based provider agencies consistent with the following
 requirements.

40 A. Residential treatment centers desiring to provide
 services to children in need of placement shall submit the
42 necessary budget data to the Children's Residential
 Treatment Committee on or before May 15th of each year.

44 B. The Children's Residential Treatment Committee shall
46 prepare for the State to offer the residential treatment
 centers a contract, by July 1st of each year, which that
48 must state:

50 (1) The reason for the number of children being
 contracted for;

2 (2) The rate established for payment for those
3 services; and

4 (3) The basis for that rate.

6 C. An interim rate procedure shall must be established
7 consistent with subsection 4.

10 **Sec. 9. 22 MRSA §8154**, as enacted by PL 1989, c. 503, Pt. B,
11 §97, is repealed.

12 **Sec. 10. 34-A MRSA §1209, sub-§1, ¶B**, as enacted by PL 1983,
13 c. 581, §§10 and 59, is amended to read:

16 B. "Group" means the ~~Juvenile-Justice-Advisory-Group,--as~~
17 ~~established-by-Executive-Order-16-Fiscal-Year-1981-82~~ Maine
18 Commission for Children and Families as established in Title
19 5, chapter 531.

20 **Sec. 11. 34-A MRSA §1209, sub-§3**, as amended by PL 1989, c.
21 700, Pt. A, §160, is repealed.

24 **Sec. 12. 34-A MRSA §1209, sub-§4, sub-¶B**, as enacted by PL
25 1983, c. 581, §§10 and 59, is repealed.

26 **Sec. 13. 34-A MRSA §1209, sub-§4, sub-¶C**, as amended by PL
27 1985, c. 785, Pt. B, §150, is repealed.

30 **Sec. 14. 34-A MRSA §1209, sub-§5**, as enacted by PL 1983, c.
31 581, §§10 and 59, is repealed.

32 **Sec. 15. 34-A MRSA §7002, sub-§2, ¶A**, as amended by PL 1989,
33 c. 700, Pt. A, §162, is further amended to read:

36 A. ~~Constitute-an-interdepartmental-coordinating-committee~~
37 ~~on--primary--prevention,--which--shall--be--chaired--by--the~~
38 ~~commissioner--or--the--commissioner's--designee--and--shall~~
39 ~~include--representation--from--the--Department--of--Education,~~
40 ~~Department--of--Human--Services,--Department--of--Labor,~~
41 ~~Department--of--Mental--Health--and--Mental--Retardation,~~
42 ~~Department--of--Public--Safety,--the--Juvenile--Justice--Advisory~~
43 ~~Group--and--such--other--public--or--private--agencies--as--the~~
44 ~~commissiener---may---wish---to---nominate,---which---have~~
45 ~~responsibilities---associated---with---preventing---not---only~~
46 ~~delinquency,--but--also--child--abuse,--substance--abuse,--running~~
47 ~~away--from--home,--truancy--and--failing--to--complete--school--and~~
48 ~~other--destructive--behavior--which--affects--juveniles~~ Designate
49 the Maine Commission for Children and Families as a
50 coordinating committee on primary prevention. This
51 coordinating committee shall:

2 (1) Develop a state primary prevention plan which that
4 provides for the use of state resources in ways that
6 ~~will~~ strengthen the commitment of local communities to
8 altering conditions which that contribute to
10 delinquency and other destructive behaviors which that
12 affect juveniles, so that the burden of state-funded
14 treatment and crisis-responsive service programs will
16 be reduced. The plan shall must provide for the
coordination and consolidation of the primary
prevention planning efforts of each of the state
agencies specified in this section. The plan shall
must set forth quantifiable and time-limited goals,
objectives and strategies and shall include proposals
to integrate and build upon successful primary
prevention programs;

18 (2) Provide for the evaluation of policies and
20 programs developed and implemented pursuant to the
plan; and

22 (3) Prepare, annually by November 1st, an appraisal of
24 the State's primary prevention activities during the
26 previous year and its recommendations for programs and
activities relating to primary prevention.

28 **Sec. 16. 34-B MRSA §1209-B**, as enacted by PL 1989, c. 688,
§2, is repealed.

30 **Sec. 17. 34-B MRSA §1210, sub-§5**, as amended by PL 1989, c.
32 73, §2, is further amended to read:

34 **5. Duties.** The committee shall act in an advisory capacity
36 to the commissioner and to the Director of the Bureau of Mental
Retardation in assessing present programs, planning future
38 programs and developing means to meet the needs of the persons
adults with mental retardation in Maine.

40 **Sec. 18. 34-B MRSA §6241**, as amended by PL 1989, c. 503, Pt.
B, §164, is repealed.

42 **Sec. 19. Transition.** The Maine Commission for Children and
44 Families is the successor in every way to the powers, duties and
functions of the Child Welfare Advisory Committee, the Maine
46 Advisory Committee on Children with Special Needs, the Advisory
Board on the Rights of Children in Need of Services and the
48 Residential Treatment Centers Advisory Group.

50 **Sec. 20. Further consolidation.** To the extent permissible under
federal law, the following advisory groups established by
administrative action must be discontinued and their functions

2 transferred to the Maine Commission for Children and Families:
3 the Child Care Advisory Committee, the Committee on Primary
4 Prevention, the Task Force on Children's Mental Health, the Task
5 Force on Early Intervention and the Task Force on Family Support.

6
7
8 **STATEMENT OF FACT**

9
10 This bill creates an independent Maine Commission For
11 Children and Families. The commission has the power to:

12 1. Advise the executive and legislative branches of State
13 Government on policy, budgetary and legislative issues, and on
14 restructuring and streamlining state-administered services for
15 children and families;

16 2. Assist in planning and implementation of
17 state-administered services for children and families;

18 3. Monitor and ensure accountability for performance; and

19 4. Advocate individually and systemically for improved
20 services for children and families.

21
22 The commission is composed of 21 members and may have staff
23 and other resources.

24
25 The bill also provides more effective and efficient citizen
26 participation in sound governance of state-administered services
27 for children and families through consolidation and restructuring
28 of current limited-purpose children's advisory groups and
29 committees.
30
31
32