

MAINE STATE LEGISLATURE

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

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 910,
L.D. 2330, Bill, "An Act to Implement the Recommendations of the
Special Commission on Governmental Restructuring"

Amend the amendment by inserting at the end before the
statement of fact the following:

PART V

Sec. V-1. 22-A MRSA is enacted to read:

TITLE 22-A

DEPARTMENT OF CHILDREN AND FAMILIES

CHAPTER 1

GENERAL PROVISIONS

§101. Definitions

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

1. Bureau chief. "Bureau chief" means the administrative
head of a bureau, regardless of the title assigned to the
position.

2. Commissioner. "Commissioner" means the Commissioner of
Children and Families.

3. Department. "Department" means the Department of
Children and Families.

§102. Department of Children and Families established; purpose

2 The Department of Children and Families is established to
4 provide child-specific and family-focused supervision of the
6 interests of children and families of the State.

8 1. Duties. The department shall:

10 A. Provide for the overall planning, policy, objectives and
12 priorities for all functions related to social services for
families and children including administration of federal
block grant programs;

14 B. Provide for the licensing of day care facilities, foster
16 homes and residential facilities for children and for the
planning, policy development and recruitment of child care
18 facilities statewide;

20 C. Provide general administrative and financial management
services for the entire department;

22 D. Administer through the authority vested in the
24 commissioner the primary responsibilities of the state
income maintenance programs, including Aid to Families with
26 Dependent Children, the food stamp program, general
assistance, emergency assistance, Medicaid eligibility
28 optional grants to supplemental security income recipients,
federal quality control activities, the ASPIRE program,
30 support enforcement recovery and the training of department
personnel;

32 E. Administer the Child and Family Services and Child
34 Protection Act; and

36 F. Facilitate the development and operation of a
coordinated statewide system of services to children in need
38 of treatment and their families, including children ages 0
to 5 years who are developmentally disabled or who
40 demonstrate developmental delays and children ages 6 to 20
years with treatment needs for developmental disabilities,
42 or mental illness or other emotional needs.

44 **§103. Commissioner appointment**

46 The department is under the supervision and control of the
Commissioner of Children and Families who is appointed by the
48 Governor, subject to review by the joint standing committee of
the Legislature having jurisdiction over human resources matters
and to confirmation by the Legislature. The commissioner serves
50 at the pleasure of the Governor.

2 §104. Provision of services

4 The department and its subunits shall, in achieving the
6 purposes for which they are established, provide services to
8 children and families, develop policy and resources and work
10 cooperatively with other related agencies.

10 §105. Powers and duties of commissioner

12 1. Deputy; assistant; bureau chiefs. The commissioner may
14 appoint deputy commissioners who shall perform the duties of the
16 commissioner during the commissioner's absence in addition to the
18 deputy commissioners' regular duties. The commissioner may
20 appoint and employ bureau chiefs and an assistant to the
22 commissioner to be under the commissioner's immediate
24 supervision, direction and control, serve at the commissioner's
26 pleasure and perform such duties as the commissioner prescribes,
28 except as otherwise provided by law.

30 2. Other employees. The commissioner may employ such other
32 deputies, division heads, assistants and employees as necessary,
34 subject to the Civil Service Law.

36 3. Duties. The commissioner shall:

38 A. Serve as the principal aide to the Governor on matters
40 involving children and families;

42 B. Prepare and report such information or data as may be
44 required or requested by the Governor or the Legislature;

46 C. Supervise and direct the activities of the various
48 bureaus, divisions, boards and commissions designated by law
to be under the department. The commissioner shall:

(1) Require the organizations within the department to
engage in short-term and long-term planning with
respect to their goals and purposes and assist the
organizations in developing short-term and long-term
plans for children and families;

(2) Monitor the progress and activities of the
organizations within the department to ensure
consistency of policies and procedures. The
commissioner shall also determine whether the policies
and procedures and the structure and operations of the
department continue to meet the needs of children and
families statewide as these needs change; and

of Children and Families. The Commissioner of Children and Families shall submit to the Legislature by January 1, 1993, specific language detailing all functions and responsibilities of the department, including a revised budget for fiscal year 1992-93 commencing July 1, 1992.

1. Effective March 1, 1993, the Bureau of Child Welfare, the Bureau of Child and Family Services, the Bureau of Income Assistance and the Bureau of Community Services are created within the department. These bureaus shall assume the responsibilities of the Bureau of Child and Family Services and the Bureau of Income Maintenance within the Department of Human Services; the Bureau of Children with Special Needs within the Department of Mental Health and Mental Retardation; the Head Start program; the Maine Children's Trust Fund; and the Community Services Block Grant within the Division of Community Services. The Bureau of Rehabilitation is transferred to the Department of Education.

PART X

Sec. X-1. 22-B MRSA is enacted to read:

TITLE 22-B

DEPARTMENT OF HEALTH

CHAPTER 1

GENERAL PROVISIONS

§101. Definitions

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

1. Bureau chief. "Bureau chief" means the administrative head of a bureau, regardless of the title assigned to the position.

2. Commissioner. "Commissioner" means the Commissioner of Health.

3. Department. "Department" means the Department of Health.

§102. Department of Health established; purpose

The Department of Health is established to provide general supervision of the interests of health and life of the citizens of the State.

2 1. Duties. The department shall:

4 A. Study the vital statistics of the State and endeavor to
6 make intelligent and profitable use of the collected records
of deaths and of sickness among people;

8 B. Make sanitary investigations and inquiries respecting
10 the causes of disease and especially of communicable
12 diseases and epidemics, the causes of mortality and the
effects of localities, employments, conditions, ingesta,
habits and circumstances on the health of the people;

14 C. Investigate the causes of disease occurring among the
16 stock and domestic animals in the State and the methods of
remedying the same. The department shall gather information
18 in respect to all these matters as it determines proper for
diffusion among the people of the State;

20 D. When required or when it determines it best, advise
22 officers of State Government, or other boards within the
State, in regard to the location, drainage, water supply,
24 disposal of excreta, heating and ventilation of any public
institution or building;

26 E. Periodically examine and report upon works on the
28 subject of hygiene for the use of the schools of the State;

30 F. Have general oversight and direction of the enforcement
of the statutes respecting the preservation of health;

32 G. Administer all state funds and appropriations for the
34 aid of private institutions and agencies doing health and
welfare work in the State; and

36 H. Provide for the general administrative and financial
38 management services for the entire department.

40 2. Powers. The department may:

42 A. Direct any officer or employee of the department to
44 assist in the study, suppression or prevention of disease in
any part of the State.

46 §103. Commissioner appointment

48 The department is under the supervision and control of the
Commissioner of Health who is appointed by the Governor, subject
50 to review by the joint standing committee of the Legislature
having jurisdiction over human resources matters and to

confirmation by the Legislature. The commissioner serves at the pleasure of the Governor.

§104. Provision of services

The department and its subunits shall, in achieving the purposes for which they are established, provide services to the citizens of the State, develop policy and resources and work cooperatively with other related agencies.

§105. Powers and duties of commissioner

1. Institutional residents. The commissioner may perform any legal act related to the care, custody, treatment, relief and improvement of the residents of state institutions or may purchase residential services when the department does not provide the appropriate institutional services for the client.

2. Deputy; assistant; bureau chiefs. The commissioner may appoint deputy commissioners who shall perform the duties of the commissioner during the commissioner's absence in addition to the deputy commissioners' regular duties. The commissioner may appoint and employ bureau chiefs and an assistant to the commissioner to be under the commissioner's immediate supervision, direction and control, serve at the commissioner's pleasure and perform such duties as the commissioner prescribes, except as otherwise provided by law.

3. Appointments. The commissioner shall appoint the following officials to serve at the pleasure of the commissioner:

A. Superintendent, Augusta Mental Health Institute;

B. Superintendent, Bangor Mental Health Institute;

C. Superintendent, Pineland Center;

D. Director, Elizabeth Levinson Center; and

E. Director, Aroostook Residential Center.

4. Other employees. The commissioner may employ such other deputies, division heads, assistants and employees as necessary, subject to the Civil Service Law.

5. Duties. The commissioner shall:

A. Serve as the principal aide to the Governor on matters involving health and life;

2 B. Prepare and report such information or data as required
3 or requested by the Governor or the Legislature;

4 C. Supervise and direct the activities of the various
5 bureaus, divisions, boards and commissions designated by law
6 to be under the department;

7 D. Have general supervision, management and control of the
8 research and planning, grounds, buildings, property,
9 officers, employees and clients of all state institutions;
10 and

11 E. Enforce all laws concerning the institutions within the
12 department, unless specific law enforcement duties are given
13 by law to other persons.

14 6. Rules. Rules must be adopted as follows.

15 A. The commissioner shall adopt such rules and establish
16 such procedures and practices as the commissioner determines
17 appropriate or necessary for the care and management of the
18 property of all state institutions, for the production and
19 distribution of the products of the institutions, for
20 guiding the institutions in determining whether to approve
21 admissions and for the execution of the statutory purposes
22 and functions of the institutions.

23 B. The central principle underlying all rules related to
24 residents of the institutions within the department is that
25 the residents retain all rights of an ordinary citizen,
26 except those expressly or by necessary implication taken
27 from them by law.

28 7. Access to funding. The commissioner shall communicate
29 with state and federal agencies on a regular basis to discuss any
30 changes in access to available funding for health or
31 health-related services.

32 8. Additional powers and duties. The commissioner may
33 exercise other powers and shall perform other duties as
34 designated by law.

35 §106. Department organization

36 1. Bureaus. The commissioner shall organize the
37 department into bureaus, each with a bureau chief, as follows:

38 A. The Bureau of Mental Health;

2 **1. Committee established.** The Committee on the
3 Reorganization of Health, Social and Developmental Services,
4 referred to in this section as the "committee," is established
5 and consists of 13 members of the Legislature, including 3
6 Senators appointed by the President of the Senate and 10 members
7 of the House of Representatives appointed by the Speaker of the
8 House of Representatives as follows:

10 A. Two members of the Joint Standing Committee on
11 Appropriations and Financial Affairs;

12 B. Two members of the Joint Standing Committee on Education;

14 C. Two members of the Joint Standing Committee on Human
15 Resources;

16 D. Two members of the Joint Select Committee on Corrections;

18 E. Two members of the Joint Standing Committee on State and
19 Local Government; and

20 F. Three additional members of the Legislature.
21

22
23 Each appointing authority shall ensure that the composition of
24 appointees from the authority's chamber reflects the proportion
25 of majority and minority parties in that chamber. All members
26 must be appointed by May 1, 1992. The committee is abolished on
27 March 1, 1993.
28

29
30 **2. Convening of committee; election of chair.** The Chair of
31 the Legislative Council shall call the first meeting of the
32 committee within 30 days of the appointment of all committee
33 members and in no case later than July 1, 1992. At that meeting,
34 the committee shall select a chair from among its members.
35

36 **3. Staff.** The committee shall request staffing assistance
37 within existing resources from the Legislative Council.
38

39 **4. Cooperation from departments.** All officials of the
40 executive branch agencies affected by this Act shall provide
41 information, advice and assistance to the committee upon
42 request. No permanent reorganization will take place without
43 approval from the committee.
44

45 **5. Compensation.** The members of the committee are entitled
46 to the legislative per diem as defined in the Maine Revised
47 Statutes, Title 3, section 2 for each day's attendance at
48

committee meetings and reimbursement for travel and other necessary expenses upon application to the Executive Director of the Legislative Council.

6. Budget. The Executive Director of the Legislative Council shall administer the committee's budget.

7. Committee charged. The committee shall provide legislative oversight to the transition of the Department of Human Services and the Department of Mental Health and Mental Retardation to the Department of Children and Families and the Department of Health.

Sec. Z-2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

1992-93

LEGISLATURE

Committee on the Reorganization of Health, Social and Developmental Services

Personal Services	\$5,000
All Other	5,900

Provides funds to the Committee on the Reorganization of Health, Social and Developmental Services for the salary and per diem of legislative members and for miscellaneous committee expenses.

LEGISLATURE TOTAL

\$10,900'

Further amend the amendment by relettering the Parts to read consecutively.

FISCAL NOTE

1992-93

APPROPRIATIONS/ALLOCATIONS

General Fund	\$10,900
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This amendment provides a General Fund appropriation to the Legislature of \$10,900 in fiscal year 1992-93 for the per diem and expenses of the Committee on the Reorganization of Health,

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 910, L.D.
2330

2 Social and Developmental Services to provide oversight to
departments and agencies in the reorganization to create the
4 Department of Children and Families and the Department of
Health. The Legislature can absorb staffing costs during any
interim between sessions.

6
8 The Departments of Human Services, Education and Mental
Health and Mental Retardation, and the Offices of Substance Abuse
and Community Services can absorb the costs of providing
10 information and assistance to the committee within existing
budgeted resources.

12
14 It can not be determined if any savings can be achieved
through the reorganization proposed by this amendment.

16
18 **STATEMENT OF FACT**

20 This amendment commences the immediate abolishment of the
Department of Human Services and the Department of Mental Health
and Mental Retardation and the transition to a new Department of
22 Children and Families and a Department of Health.

24

Filed by Rep. Clark of Brunswick
Reproduced and distributed under the direction of the Clerk of the
House
3/29/92 (Filing No. H-1322)