

MAINE STATE LEGISLATURE

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

HOUSE 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 bill 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

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

1. Duties. The department shall:

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

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

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

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

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

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

§103. Commissioner appointment

The department is under the supervision and control of the Commissioner of Children and Families who is appointed by the 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 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
 children and families, develop policy and resources and work
 cooperatively with other related agencies.

8 **§105. Powers and duties of commissioner**

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

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

24 3. Duties. The commissioner shall:

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

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

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

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

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

Families shall submit to the Legislature by January 30, 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 October 1, 1992, 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.

1. Duties. The department shall:

2
4 A. Study the vital statistics of the State and endeavor to make intelligent and profitable use of the collected records of deaths and of sickness among people;

6
8 B. Make sanitary investigations and inquiries respecting the causes of disease and especially of communicable diseases and epidemics, the causes of mortality and the effects of localities, employments, conditions, ingesta, habits and circumstances on the health of the people;

10
12 C. Investigate the causes of disease occurring among the stock and domestic animals in the State and the methods of remedying the same. The department shall gather information in respect to all these matters as it determines proper for diffusion among the people of the State;

14
16
18 D. When required or when it determines it best, advise officers of State Government, or other boards within the State, in regard to the location, drainage, water supply, disposal of excreta, heating and ventilation of any public institution or building;

20
22 E. Periodically examine and report upon works on the subject of hygiene for the use of the schools of the State;

24
26 F. Have general oversight and direction of the enforcement of the statutes respecting the preservation of health;

28
30 G. Administer all state funds and appropriations for the aid of private institutions and agencies doing health and welfare work in the State; and

32
34 H. Provide for the general administrative and financial management services for the entire department.

36
38 2. Powers. The department may:

40
42 A. Direct any officer or employee of the department to assist in the study, suppression or prevention of disease in any part of the State.

44 §103. Commissioner appointment

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

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

4 **§104. Provision of services**

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

10 **§105. Powers and duties of commissioner**

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

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

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

- 32 A. Superintendent, Augusta Mental Health Institute;
- 34 B. Superintendent, Bangor Mental Health Institute;
- 36 C. Superintendent, Pineland Center;
- 38 D. Director, Elizabeth Levinson Center; and
- 40 E. Director, Aroostook Residential Center.

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

46 **5. Duties.** The commissioner shall:

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

50

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

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

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

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

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

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

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

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

38 8. Additional powers and duties. The commissioner may
40 exercise other powers and shall perform other duties as
designated by law.

42 §106. Department organization

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

48 A. The Bureau of Mental Health;

50 B. The Bureau of Mental Retardation;

- 2 C. The Bureau of Community Health;
- 4 D. The Bureau of Medical Quality Assurance;
- 6 E. The Bureau of Elder and Adult Services; and
- 8 F. The Bureau of Substance Abuse.

10 2. Absence of bureau chiefs. In the absence of a bureau
12 chief from the State or from official duties or in the event of a
14 vacancy in the position of a bureau chief, the commissioner or
16 the commissioner's authorized agent may exercise the powers and
18 perform the duties of that bureau chief.

PART Y

18 **Sec. Y-1. Department of Health; transition.** The Department of
20 Health is created within State Government. The Commissioner of
22 Mental Health and Mental Retardation shall serve as the
24 Commissioner of Health until such time as a new commissioner is
26 appointed and affirmed.

24 The commissioner may appoint deputy commissioners to assist
26 in the administration of the department. The deputy
28 commissioners serve at the pleasure of the commissioner.

28 All duties and responsibilities of the Commissioner of
30 Mental Health and Mental Retardation except those duties
32 transferred to the Commissioner of Children and Families become
34 the duties and responsibilities of the Commissioner of Health.
36 The Commissioner of Health shall submit to the Legislature by
38 January 30, 1993, specific language detailing all functions and
40 responsibilities of the department, including a revised budget
42 for fiscal year 1992-93 commencing July 1, 1992.

36 Effective October 1, 1992, the Bureau of Elder and Adult
38 Services, the Bureau of Substance Abuse and the Bureau of Medical
40 Quality Assurance are created within the Department of Health.
42 These bureaus shall assume the responsibilities of the Bureau of
44 Mental Health and the Bureau of Mental Retardation.

PART Z

44 **Sec. Z-1. Committee on the Reorganization of Health, Social and**
46 **Developmental Services.**

48 **1. Committee established.** The Committee on the
50 Reorganization of Health, Social and Developmental Services,
referred to in this section as the "committee," is established

and consists of 13 members of the Legislature, including 3 Senators appointed by the President of the Senate and 10 members of the House of Representatives appointed by the Speaker of the House of Representatives as follows:

- A. Two members of the Joint Standing Committee on Appropriations and Financial Affairs;
- B. Two members of the Joint Standing Committee on Education;
- C. Two members of the Joint Standing Committee on Human Resources;
- D. Two members of the Joint Select Committee on Corrections;
- E. Two members of the Joint Standing Committee on State and Local Government; and
- F. Three additional members of the Legislature.

Each appointing authority shall ensure that the composition of appointees from the authority's chamber reflects the proportion of majority and minority parties in that chamber. All members must be appointed by June 1, 1992. The committee is abolished on December 1, 1992.

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

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

4. Cooperation from departments. All officials of the executive branch agencies affected by this Act shall provide information, advice and assistance to the committee upon request.

5. Compensation. The members of the committee are entitled to the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2 for each day's attendance at 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 bill 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, Social and Developmental Services to provide oversight to departments and agencies in the reorganization to create the Department of Children and Families and the Department of Health. The Legislature can absorb staffing costs during any interim between sessions.

