

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)

STATE OF MAINE
SENATE
115TH LEGISLATURE
SECOND REGULAR SESSION

SENATE 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.

OK
R.O.S.

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46

§102. Department of Children and Families established; purpose

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48
50

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
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48
50

§104. Provision of services

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

§105. Powers and duties of commissioner

1. 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.

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

3. Duties. The commissioner shall:

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

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

C. Supervise and direct the activities of the various 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

2 Families shall submit to the Legislature by January 30, 1993,
specific language detailing all functions and responsibilities of
4 the department, including a revised budget for fiscal year
1992-93 commencing July 1, 1992.

6 1. Effective October 1, 1992, the Bureau of Child Welfare,
the Bureau of Child and Family Services, the Bureau of Income
8 Assistance and the Bureau of Community Services are created
within the department. These bureaus shall assume the
10 responsibilities of the Bureau of Child and Family Services and
the Bureau of Income Maintenance within the Department of Human
12 Services; the Bureau of Children with Special Needs within the
Department of Mental Health and Mental Retardation; the Head
14 Start program; the Maine Children's Trust Fund; and the Community
Services Block Grant within the Division of Community Services.
16 The Bureau of Rehabilitation is transferred to the Department of
Education.

18 **PART X**

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

22 **TITLE 22-B**

24 **DEPARTMENT OF HEALTH**

26 **CHAPTER 1**

28 **GENERAL PROVISIONS**

30 **§101. Definitions**

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

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

40 2. **Commissioner.** "Commissioner" means the Commissioner of
42 Health.

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

46 **§102. Department of Health established; purpose**

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

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48

1. Duties. The department shall:

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;

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;

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;

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;

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

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

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

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

2. Powers. The department may:

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.

§103. Commissioner appointment

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

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
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;

R. of §

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48
50

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

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

PART Y

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

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

All duties and responsibilities of the Commissioner of Mental Health and Mental Retardation except those duties transferred to the Commissioner of Children and Families become the duties and responsibilities of the Commissioner of Health. The Commissioner of Health 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.

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

PART Z

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

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

R. of S.

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

2 and consists of 13 members of the Legislature, including 3
4 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:

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

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

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

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

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

40 **5. Compensation.** The members of the committee are entitled
to the legislative per diem as defined in the Maine Revised
42 Statutes, Title 3, section 2 for each day's attendance at
committee meetings and reimbursement for travel and other
44 necessary expenses upon application to the Executive Director of
the Legislative Council.

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

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

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

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.

R. of S.

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

2
4
6
8
10
12
14
16
18
20
22
24
26

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 information and assistance to the committee within existing budgeted resources.

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

STATEMENT OF FACT

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 Children and Families and a Department of Health.

(Senator GILL)
SPONSORED BY: Barbara A. Gill

COUNTY: Cumberland

Reproduced and Distributed Pursuant to Senate Rule 12.
(3/27/92) (Filing No. S-734)