

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. 929,
L.D. 2384, Bill, "An Act to Restructure State Government"

Amend the amendment by inserting at the end before the first
paragraph before the fiscal note the following:

PART E

Sec. E-1. 5 MRSA c. 330, as amended, is repealed.

Sec. E-2. 5 MRSA §12004-G, sub-§16, as enacted by PL 1987, c.
786, §5, is repealed.

Sec. E-3. 22 MRSA §3721, sub-§§1 and 2, as enacted by PL 1987,
c. 402, Pt. A, §142, are repealed.

Sec. E-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. E-5. 22 MRSA §3721, sub-§§5 and 6, as enacted by PL 1991,
c. 9, Pt. BB, §1, are repealed.

Sec. E-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
10 **2. Purpose.** The purpose of the Maine Children's Trust Fund
is to provide ~~a mechanism for voluntary contributions by Maine~~
12 ~~taxpayers through an income tax checkoff for~~ permanent funding of
prevention programs ~~designed to prevent abuse, neglect and mental~~
14 ~~illness among Maine children. This funding is intended primarily~~
~~to support local prevention programs which do not duplicate other~~
~~state-funded programs.~~

16 **Sec. E-7. 22 MRSA §3723**, as amended by PL 1989, c. 700, Pt.
18 A, §83, is repealed.

20 **Sec. E-8. 22 MRSA §3724**, as amended by PL 1991, c. 9, Pt. BB,
§3, is repealed.

22 **Sec. E-9. 22 MRSA §3725**, as amended by PL 1991, c. 9, Pt. BB,
24 §4, is repealed.

26 **Sec. E-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 for the development and operation of prevention
42 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. E-11. 22 MRSA §3726**, as enacted by PL 1987, c. 402, Pt.
18 A, §142, is repealed.

19 **Sec. E-12. 22 MRSA §3726-A** is enacted to read:

20
21 **§3726-A. Rules; report**

22
23 The commissioner may adopt rules to implement this chapter.
24 Annually by January 15, the commissioner shall submit a report to
25 the joint standing committees of the Legislature having
26 jurisdiction over human resources matters and appropriations
27 matters. The report must provide a summary of the fund for the
28 previous fiscal year, including the amount of income, the amount
29 and a description of each disbursement made and the amount
30 allocated to the fund.

31
32 **Sec. E-13. 22 MRSA §5312** is enacted to read:

33
34 **§5312. Head Start**

35
36 The Head Start program is administered by the Bureau of
37 Child and Family Services.

38
39 **Sec. E-14. 22 MRSA c. 1477** is enacted to read:

40
41 **CHAPTER 1477**

42
43 **COMMUNITY SERVICES**

44
45 **§5321. Definitions**

46
47 As used in this chapter, unless the context otherwise
48 indicates, the following terms have the following meanings.

49
50

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

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

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

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

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

§5322. Bureau responsibilities

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

§5323. Powers and duties

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

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

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

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

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
8 oversee community action agencies as follows.

10 A. The bureau shall designate community action agencies
12 every 7 years in accordance with the requirements of this
chapter.

14 B. The bureau shall establish audit requirements in
16 accordance with the Human Services Community Agency
Accounting Practices Act.

18 C. The bureau shall evaluate community action agencies
20 every 3 years.

22 4. Planning and coordination for state services. The
24 bureau shall provide planning and coordination for state services
to people with low income.

26 5. Technical assistance. The bureau shall provide
28 technical assistance to community action agencies and other
groups serving the interests of people with low income in this
State.

30 6. Monitoring local program operators. The bureau shall
32 monitor subgrantees to ensure conformance with appropriate rules.

34 **§5324. Community action agencies**

36 1. Designation. Community action agencies must be
38 designated by the bureau to carry out the purposes of this
chapter. In making these designations, the bureau shall solicit
and consider comments from other state agencies or authorities
that operate programs in which community action agencies
participate. These designations are for 7 years.

40 2. Designation withdrawn. The bureau may withdraw its
42 designation of a community action agency after an evaluation in
which the agency has demonstrated substantial incompetency and a
clear inability to carry out the purposes of this chapter, unless
there is or has been financial malfeasance, which may be cause
for immediate withdrawal of designation. In performing these
evaluations, the bureau shall solicit and consider comments from
other state agencies or authorities that operate programs in
which the community action agency participates.

2 The bureau shall notify an agency of a pending withdrawal of
4 designation. Upon notification, the agency has up to 6 months to
6 take corrective action, at which time a designation withdrawal
8 evaluation must be performed by the bureau. Failure to pass this
10 evaluation means immediate loss of designation.

12 Upon the final order from the bureau that rescinds a community
14 action agency's designation, the community action agency may file
16 a petition for review of this final decision in the appropriate
18 Superior Court within 30 days under the Maine Rules of Civil
20 Procedure, Rule 80B.

22 3. Community action agencies. Community action agencies
24 have the power and duty to:

26 A. Develop information regarding the causes and conditions
28 of poverty in the service area;

30 B. Determine how much and how effectively assistance is
32 being provided to deal with those causes and conditions;

34 C. Establish priorities among projects, activities and
36 areas as needed for the best and most efficient use of
38 available resources;

40 D. Develop, administer and operate programs to reduce
42 poverty with particular emphasis on self-help approaches and
44 programs to promote economic opportunities through
46 affirmative action;

48 E. Initiate, sponsor and provide programs and services
50 responsive to the needs of the poor that are not otherwise
being met;

F. Promote interagency cooperation and coordination of all
services and activities in the service area that are related
to the purposes of this chapter;

G. Establish effective procedures by which the poor and
other concerned area residents may influence the character
of programs affecting their interests, provide for their
regular participation in the implementation of those
programs and provide technical and other support needed to
enable low-income and neighborhood groups to secure on their
own behalf available assistance from public and private
sources;

H. Join with and encourage business, labor and other
private groups and organizations to undertake, together with
private officials and agencies, activities in support of the

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

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

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

22 **§5325. Governing board for community action agency**

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

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

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

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

C. Approval of all contracts;

D. Approval of all agency budgets;

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

F. Convening public meetings to provide low-income and
other citizens of the service area the opportunity to
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.**

49 **B. The balance of the funds must be distributed according**
51 **to rules adopted by the bureau.**

52 **3. Block grant proposals.** Proposals for Community Services
54 Block Grant funds submitted to the Legislature by the bureau in
56 accordance with Title 5, section 1670 must be developed and must:

58 **A. Include a description of current allocation of Community**
60 **Services Block Grant funds and how the plan proposes to**
62 **change that allocation;**

64 **B. Retain the absolute minimum necessary for administrative**
66 **costs; and**

68 **C. Provide for maximum flexibility within community action**
70 **agencies for the use of Community Services Block Grant funds.**

§5328. Confidentiality of records

1. Confidentiality. Records containing the following information are confidential and may not be considered public records for the purpose of Title 1, section 402, subsection 3:

A. Any information acquired by a state agency, municipality, district, private corporation, copartnership, association, fuel vendor, private contractor, individual or an employee or agent of any of those persons or entities, providing services related to authorized programs of the bureau or programs administered by community action agencies, when that information was provided by the applicant for those services or by any 3rd person; and

B. Any statements of financial condition or information pertaining to financial condition submitted to any of the persons or entities set forth in paragraph A in connection with an application for services related to authorized programs of the bureau or programs administered by community action agencies.

2. Exceptions. Notwithstanding subsection 1, any person or agency directly involved in the administration or auditing of authorized programs of the bureau or programs administered by community action agencies and any agency of the State with a legitimate reason to know must be given access to those records described in subsection 1.

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

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

§5329. Rules

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

Sec. E-15. 30-A MRSA §5042, sub-§1, as amended by PL 1989, 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 ~~13~~ 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
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. E-16. Appropriation.** The following funds are
44 appropriated from the General Fund to carry out the purposes of
this Part.

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 program and one Clerk Typist III position to the Department of Human Services.

16

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 position and related funds due to the elimination of the Office of Community Services.

30

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 Office of Community Services.

48

DEPARTMENT OF HUMAN SERVICES

50

TOTAL 2,358,696

2 SECTION E-16
TOTAL APPROPRIATIONS (\$115,704)

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

8 1992-93

10 EXECUTIVE DEPARTMENT

12 Head Start

14 Positions-Other Count (-2.0)
15 Personal Services (\$75,558)
16 All Other (8,612)

18 Provides for the deallocation of funds due
19 to the transfer of the Head Start program to
20 the Department of Human Services to include
21 one State Head Start Program Coordinator
22 position and one Secretary position.

24 EXECUTIVE DEPARTMENT
TOTAL (84,170)

26 HUMAN SERVICES, DEPARTMENT OF

28 Head Start

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

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

40 DEPARTMENT OF HUMAN SERVICES
42 TOTAL 84,170

44 SECTION E-17
TOTAL ALLOCATIONS \$-0-

46
48 Sec. E-18. Allocation. The following funds are allocated 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)

All Other (94,938)

12

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.

14

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 for the development and operation of prevention programs.

30

32

34

36

**DEPARTMENT OF HUMAN SERVICES
TOTAL**

119,509

38

SECTION E-18

40

TOTAL ALLOCATIONS

\$-0-

42

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

44

1992-93

46

EXECUTIVE DEPARTMENT

48

Administration - Community Services

2	Positions-Legislative Count	(-1.0)
	Personal Services	(\$53,593)
4	All Other	(1,946,407)

6 Provides for the deallocation of funds
8 through the transfer of the Community
10 Services Block Grant to the Department of
Human Services to include the transfer of
one Fiscal Operations Manager position.

12 **EXECUTIVE DEPARTMENT**
14 **TOTAL** (2,000,000)

16 **HUMAN SERVICES, DEPARTMENT OF**
Community Services Block Grant

18	Positions-Legislative Count	(1.0)
20	Personal Services	53,593
	All Other	1,946,407

22 Provides for the allocation of funds due to
24 the transfer of the Community Services Block
26 Grant program and one Fiscal Operations
Manager position from the Office of
Community Services.

28 **DEPARTMENT OF HUMAN SERVICES**
30 **TOTAL** (2,000,000)

32 **SECTION E-19**
34 **TOTAL ALLOCATIONS** \$-0-

36 **Sec. E-20. Transition provisions.** The following provisions
38 apply to the reassignment of the duties and responsibilities of
the former Office of Community Services.

40 1. The Department of Human Services is the successor in
42 every way to the powers, duties and functions of the former
Office of Community Services.

44 2. Notwithstanding the provisions of the Maine Revised
46 Statutes, Title 5, all accrued expenditures, assets, liabilities,
48 balances or appropriations, allocations, transfers, revenues or
other available funds in an account or subdivision of an account
of the Office of Community Services must be transferred to the
proper accounts by the State Controller upon the request of the
State Budget Officer and with the approval of the Governor.

50

2 3. All rules and procedures in effect, in operation or
4 adopted on the effective date of this Part by the former Office
6 of Community Services or any of its administrative units or
8 officers remain in effect until rescinded, revised or amended by
10 the proper authority. All existing rules regarding the Maine
12 Children's Trust Fund that were adopted by the Board of the Maine
14 Children's Trust Fund, the Division of Community Services or the
16 Office of Community Services remain in effect until rescinded,
18 revised or amended by the proper authority.

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

26 5. The positions of Director and Program Operations Manager
28 within the Office of Community Services are abolished. Any
30 position not specifically transferred under this Part is also
32 abolished. Authorized Community Services Block Grant positions
34 and authorized Head Start positions are transferred to the
36 Department of Human Services, Bureau of Child and Family
38 Services. The Bureau of Human Resources shall assist with the
40 orderly implementation of these provisions.

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

Sec. E-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.

Sec. E-22. Effective date. This Part takes effect on July 1,
1992 or the effective date of this Act, whichever is later.'

FISCAL NOTE

This amendment will result in General Fund deappropriations
in the amount of \$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 "A" to COMMITTEE AMENDMENT "A" to S.P. 929, L.D.
2384

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.

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
3/27/92 (Filing No. H-1297)

44