

MAINE STATE LEGISLATURE

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

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to S.P. 929,
L.D. 2384, Bill, "An Act to Restructure State Government"

Amend the amendment by striking out all of Parts A, B and C
and inserting in their place the following:

PART A

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

6 1. Duties. The department shall:

7
8 A. Provide for the overall planning, policy, objectives and
9 priorities for all functions related to social services for
10 families and children including administration of federal
11 block grant programs;

12
13 B. Provide for the licensing of day care facilities, foster
14 homes and residential facilities for children and for the
15 planning, policy development and recruitment of child care
16 facilities statewide;

17
18 C. Provide general administrative and financial management
19 services for the entire department;

20
21 D. Administer through the authority vested in the
22 commissioner the primary responsibilities of the state
23 income maintenance programs, including Aid to Families with
24 Dependent Children, the food stamp program, general
25 assistance, emergency assistance, Medicaid eligibility
26 optional grants to supplemental security income recipients,
27 federal quality control activities, the ASPIRE program,
28 support enforcement recovery and the training of department
29 personnel;

30
31 E. Administer the Child and Family Services and Child
32 Protection Act; and

33
34 F. Facilitate the development and operation of a
35 coordinated statewide system of services to children in need
36 of treatment and their families, including children ages 0
37 to 5 years who are developmentally disabled or who
38 demonstrate developmental delays and children ages 6 to 20
39 years with treatment needs for developmental disabilities,
40 or mental illness or other emotional needs.

41
42 **§103. Commissioner appointment**

43
44 The department is under the supervision and control of the
45 Commissioner of Children and Families who is appointed by the
46 Governor, subject to review by the joint standing committee of
47 the Legislature having jurisdiction over human resources matters
48 and to confirmation by the Legislature. The commissioner serves
49 at the pleasure of the Governor.
50

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.

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

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

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

38 **3. Duties.** The commissioner shall:

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

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

48 **C.** Supervise and direct the activities of the various
50 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 (3) Communicate with state and federal agencies on a
3 regular basis to discuss any changes in access to
4 available funding and services for children and
5 families; and

6 D. Exercise other powers and perform other duties as
7 designated by law.

8
9 **§106. Department organization**

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

12 A. The Bureau of Child Welfare;

13 B. The Bureau of Child and Family Services;

14 C. The Bureau of Income Assistance; and

15 D. The Bureau of Community Services.

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

21 3. Divisions. The commissioner shall organize the Division
22 of Child Protection, the Division of Support Services, the
23 Division of Early Childhood Development, the Division of Children
24 and Youth, the Division of Support Enforcement and Recovery, the
25 Division of Economic Security, the Division of Licensing and the
26 Division of Contracted Services.

27
28 **PART B**

29 **Sec. B-1. Department of Children and Families; transition.** The
30 Department of Children and Families is created within State
31 Government. The Commissioner of Human Services shall serve as
32 the Commissioner of Children and Families until such time as a
33 new commissioner is appointed and affirmed.

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

37 All duties and responsibilities of the Commissioner of Human
38 Services except those duties transferred to the Commissioner of
39 Health become the duties and responsibilities of the Commissioner
40 of Children and Families. The Commissioner of Children and
41 Families.

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
19 **PART C**

20 **Sec. C-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.

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
10 effects of localities, employments, conditions, ingesta,
habits and circumstances on the health of the people;

12
14 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
16 in respect to all these matters as it determines proper for
diffusion among the people of the State;

18
20 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,
22 disposal of excreta, heating and ventilation of any public
institution or building;

24
26 E. Periodically examine and report upon works on the
subject of hygiene for the use of the schools of the State;

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

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

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

38 2. Powers. The department may:

40 A. Direct any officer or employee of the department to
assist in the study, suppression or prevention of disease in
42 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
48 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
14 any legal act related to the care, custody, treatment, relief and
15 improvement of the residents of state institutions or may
16 purchase residential services when the department does not
17 provide the appropriate institutional services for the client.

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

29 **3. Appointments.** The commissioner shall appoint the
30 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
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;

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

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

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

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

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

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

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

42 §106. Department organization

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

48 A. The Bureau of Mental Health;

50 B. The Bureau of Mental Retardation;

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

10 **1991-92**

12 **LEGISLATURE**

14 **Committee on the Reorganization of Health,
Social and Developmental Services**

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

20 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.

26 **LEGISLATURE**
28 **TOTAL** \$10,900'

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

32 Further amend the amendment by striking out all of the fiscal note and inserting in its place the following:

34 **FISCAL NOTE**

36 **1991-92**

38 **APPROPRIATIONS/ALLOCATIONS**

40 General Fund \$10,900

42 Part E of the bill will require a General Fund appropriation to the Legislature of \$10,900 in fiscal year 1991-92 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

HOUSE AMENDMENT

2 Health. The Legislature can absorb staffing costs during any
interim between sessions.

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

10 It can not be determined if any savings can be achieved
12 through the reorganization proposed in Parts A to D.'

14

16

STATEMENT OF FACT

18 This amendment strikes out all of Parts A, B and C in
20 Committee Amendment "A" and replaces them with different
provisions to commence the immediate abolishment of the
22 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.

24

26

Filed by Rep. Pendexter of Scarborough
Reproduced and distributed under the direction of the Clerk of the
House
3/27/92 (Filing No. H-1303)