

# MAINE STATE LEGISLATURE

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L.D. 2384

(Filing No. Sr 706)

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STATE OF MAINE  
SENATE  
115TH LEGISLATURE  
SECOND REGULAR SESSION

SENATE AMENDMENT "D" 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.

**SENATE AMENDMENT**

**§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  
facilities statewide;

18           C. Provide general administrative and financial management  
20 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.

**§103. Commissioner appointment**

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

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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  
   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  
   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.

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

26            3. Duties. The commissioner shall:

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

42            (2) Monitor the progress and activities of the  
44     organizations within the department to ensure  
46     consistency of policies and procedures. The  
48     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

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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                   **PART B**

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

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

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

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 C

Sec. C-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.

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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;



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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  
             the commissioner's authorized agent may exercise the powers and  
             perform the duties of that bureau chief.

## PART D

18           **Sec. D-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  
             Commissioner of Health until such time as a new commissioner is  
             appointed and affirmed.

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

38           Effective October 1, 1992, the Bureau of Elder and Adult  
40           Services, the Bureau of Substance Abuse and the Bureau of Medical  
42           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 E

44           **Sec. E-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.

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SENATE AMENDMENT "D" to COMMITTEE AMENDMENT "A" to S.P. 929,  
L.D. 2384

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  
22 Reorganization of Health, Social and  
24 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  
34 fiscal note and inserting in its place the following:

**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  
44 to the Legislature of \$10,900 in fiscal year 1991-92 for the per  
46 diem and expenses of the Committee on the Reorganization of  
48 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

**SENATE AMENDMENT**

SENATE AMENDMENT "1)" to COMMITTEE AMENDMENT "A" to S.P. 929,  
L.D. 2384

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

The Department of Human Services, the Department of  
Education and the Department of Mental Health and Mental  
Retardation and the Office of Substance Abuse and the Office of  
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 in Parts A to D.'

### STATEMENT OF FACT

This amendment strikes out all of Parts A, B and C in  
Committee Amendment "A" and replaces them with different  
provisions to commence 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) *Barbara A. Gill*  
SPONSORED BY:

COUNTY: Cumberland

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