

MAINE STATE LEGISLATURE

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L.D. 2384

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STATE OF MAINE
SENATE
115TH LEGISLATURE
SECOND REGULAR SESSION

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

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting in its place the following:

PART A

Sec. A-1. 22-A MRSA is enacted to read:

TITLE 22-A

CHILDREN AND FAMILIES

PART 1

ADMINISTRATION AND ORGANIZATION

CHAPTER 1

DEPARTMENT OF CHILDREN AND FAMILIES

§101. Definitions

As used in this Part, unless the context otherwise indicates, the following terms have the following meanings.

1. Commissioner. "Commissioner" means the Commissioner of Children and Families.

2. Department. "Department" means the Department of Children and Families within the executive branch responsible for

COMMITTEE AMENDMENT

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2 administering multiple major programs and multimillion dollar
3 budgets to serve children and families pursuant to provisions of
4 state and federal laws.

6 **§102. Department established**

8 The Department of Children and Families is established
9 within the executive branch to provide services to families and
10 children in this State.

12 **§103. Commissioner**

14 1. Appointment. The department is administered by a
15 commissioner who is appointed by the Governor subject to review
16 by the joint standing committee of the Legislature having
17 jurisdiction over children and family matters and confirmation by
18 the Legislature. The commissioner serves at the pleasure of the
19 Governor.

20 2. Qualifications. The commissioner must be qualified by
21 postgraduate education and extensive experience in the fields of
22 human development and public administration, including public
23 policy analysis and development, public financial and program
24 administrative matters and legislative and executive branch
25 relations.

26 3. Application. Notwithstanding the establishment of the
27 department in this Part, the department may not undertake
28 administration of programs or services until the legislation
29 developed by the Commission on the Reorganization of Health,
30 Social and Developmental Services is adopted.

32 **Sec. A-2. 22-B MRSA is enacted to read:**

34 **TITLE 22-B**

36 **HUMAN DEVELOPMENT**

38 **PART 1**

40 **ADMINISTRATION AND ORGANIZATION**

42 **CHAPTER 1**

44 **DEPARTMENT OF HEALTH AND DEVELOPMENTAL SERVICES**

46 **§101. Definitions**

48 As used in this Part, unless the context otherwise
49 indicates, the following terms have the following meanings.
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1. Commissioner. "Commissioner" means the Commissioner of Health and Developmental Services.

2. Department. "Department" means the Department of Health and Developmental Services within the executive branch responsible for administering multiple major programs and multimillion dollar budgets to provide health and developmental services pursuant to provisions of state and federal laws.

§102. Department established

The Department of Health and Developmental Services is established within the executive branch to provide health and developmental services to the citizens in this State.

§103. Commissioner

1. Appointment. The department is administered by a commissioner who is appointed by the Governor subject to review by the joint standing committee of the Legislature having jurisdiction over health and developmental service matters and confirmation by the Legislature. The commissioner serves at the pleasure of the Governor.

2. Qualifications. The commissioner must be qualified by postgraduate education and extensive experience in the fields of human development and public administration, including public policy analysis and development, public financial and program administrative matters and legislative and executive branch relations.

3. Application. Notwithstanding the establishment of the department in this Part, the department may not undertake administration of programs or services until the legislation developed by the Commission on the Reorganization of Health, Social and Developmental Services is adopted.

Sec. A-3. Acting commissioners. Until the legislation proposed by the Commission on the Reorganization of Health, Social and Developmental Services is enacted, the Commissioner of Human Services is the Acting Commissioner of Children and Families and the Commissioner of Mental Health and Mental Retardation is the Acting Commissioner of Health and Developmental Services.

Sec. A-4. Reorganization of health, social and developmental services. It is the intent of the Legislature that by November 1, 1993 the Department of Human Services, the Department of Mental Health and Mental Retardation, the Office of

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

2 Substance Abuse and the Office of Community Services be abolished
3 and the functions of those agencies transferred to a newly
4 created Department of Children and Families, a newly created
5 Department of Health and Developmental Services and to other
6 existing state agencies as specified in this Act. The
7 implementation of this reorganization must be accomplished
8 without diverting any direct service funds or incurring
9 additional administrative costs.

10 **Sec. A-5. Commission on the Reorganization of Health, Social and**
11 **Developmental Services.**

12
13 **1. Commission established.** The Commission on the
14 Reorganization of Health, Social and Developmental Services,
15 referred to in this section as the "commission," is established
16 and consists of 13 members of the Legislature, including 3
17 Senators appointed by the President of the Senate and 10 members
18 of the House of Representatives appointed by the Speaker of the
19 House of Representatives as follows:

- 20
21 A. Two members of the Joint Standing Committee on
22 Appropriations and Financial Affairs;
- 23
24 B. Two members of the Joint Standing Committee on Education;
- 25
26 C. Two members of the Joint Standing Committee on Human
27 Resources;
- 28
29 D. Two members of the Joint Select Committee on Corrections;
- 30
31 E. Two members of the Joint Standing Committee on State and
32 Local Government; and
- 33
34 F. Three additional members of the Legislature.

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

40
41 **2. Convening of commission; election of chair.** The Chair
42 of the Legislative Council shall call the first meeting of the
43 commission within 30 days of the appointment of all commission
44 members and in no case later than July 1, 1992. At that meeting,
45 the commission shall select a chair from among its members.

46
47 **3. Working groups.** The chair of the commission may form
48 working groups on an ad hoc basis to develop legislative
49 proposals to the full commission. A working group must consist
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COMMITTEE AMENDMENT "A" to S.P. 929, L.D. 2384

of at least 3 members who are Legislators and who are members of the commission in addition to any other persons the chair may appoint as nonvoting members of the working group.

4. **Staff.** The commission shall request staffing assistance within existing resources from the Legislative Council.

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

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

7. **Budget.** The Executive Director of the Legislative Council shall administer the commission's budget.

8. **Commission charged.** The commission shall develop, with the advice and assistance of officials of the executive branch, all legislation needed to implement the reorganization of services in accordance with this Act, including amendments to the statutes, reallocation of funds and transitional language as needed. The legislation, together with a report identifying specific positions that are added or deleted as a result of the reorganization, must be presented to the joint standing committee of the Legislature having jurisdiction over state and local government matters by November 1, 1992 for consideration during the First Regular Session of the 116th Legislature.

9. **Content of legislation.** The legislation prepared by the commission must provide for at least the following:

A. Abolition of the Department of Human Services, the Department of Mental Health and Mental Retardation, the Office of Substance Abuse and the Office of Community Services;

B. Creation of the Department of Children and Families with at least the following functional clusters: economic security; child protection and foster care; and family support and development.

(1) The economic security cluster includes, but is not limited to:

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- 2 (a) All functions of the Department of Human
Services, Bureau of Income Maintenance;
 - 4 (b) The Community Services Block Grant; and
 - 6 (c) All poverty monitoring functions of the
8 Executive Department, Office of Community Services.
- 10 (2) The child protection and foster care cluster
includes, but is not limited to:
- 12 (a) All child protection and substitute care
14 functions of the Department of Human Services,
Bureau of Child and Family Services and all other
16 functions of the bureau that are not specifically
placed elsewhere, except licensing, which becomes
18 part of a departmentwide licensing function.
- 20 (3) The family support and development cluster
includes, but is not limited to:
- 22 (a) All child care and adoption functions of the
24 Department of Human Services, Bureau of Child and
Family Services, except licensing, which becomes
26 part of a departmentwide licensing function;
 - 28 (b) All functions and facilities of the
Department of Mental Health and Mental
30 Retardation, Bureau of Children with Special
Needs, including but not limited to the Elizabeth
32 Levinson Center, the Bath Children's Home and the
Infant Development Center;
 - 34 (c) All services that are provided to children by
the Department of Mental Health and Mental
36 Retardation, Bureau of Mental Retardation or
Bureau of Mental Health;
 - 38 (d) Head Start and the Maine Children's Trust
40 Fund within the Executive Department, Office of
Community Services;
 - 42 (e) Child Development Services within the
44 Department of Education; and
 - 46 (f) All maternal and child health programs of the
48 Department of Human Services, Bureau of Health;

50 C. Creation of the Department of Health and Developmental
Services with at least the following functional clusters:

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

2 public health; medical care finance; substance abuse; mental
3 health; developmental services and physical disability; and
4 aging.

6 (1) The public health cluster includes, but is not
7 limited to:

8 (a) All functions of the Department of Human
9 Services, Bureau of Health that are not
10 specifically placed elsewhere;

12 (b) All functions of the Department of Human
13 Services' division of health planning;

14 (c) All functions of the Department of Human
15 Services, Office of Vital Statistics; and

18 (d) All AIDS case management and other
19 AIDS-related services.

20 (2) The medical care finance cluster includes, but is
21 not limited to:

24 (a) All functions of the Department of Human
25 Services, Bureau of Medical Services, except
26 licensing, which becomes part of a departmentwide
27 licensing function.

28 (3) The substance abuse cluster includes, but is not
29 limited to:

32 (a) All functions of the Executive Department,
33 Office of Substance Abuse; and

34 (b) To the extent permissible under federal law,
35 all functions of the Department of Education's
36 division of alcohol and drug education program.

38 (4) The mental health cluster includes, but is not
39 limited to:

42 (a) All adult services provided by the Department
43 of Mental Health and Mental Retardation, Bureau of
44 Mental Health, except licensing, which becomes
45 part of a departmentwide licensing function; and

46 (b) The Bangor Mental Health Institute and the
47 Augusta Mental Health Institute.

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(5) The developmental services and physical disability cluster includes, but is not limited to:

(a) All adult services provided by the Department of Mental Health and Mental Retardation, Bureau of Mental Retardation, except guardianship services;

(b) The Aroostook Residential Center and Pineland Center; and

(c) All services from the Department of Human Services, Bureau of Rehabilitation, except services for people with visual impairments, which are transferred to the Department of Education, and services related to job training and placement, which are transferred to the Department of Labor.

(6) The aging cluster includes, but is not limited to:

(a) All functions of the Department of Human Services, Bureau of Elder and Adult Services; and

(b) All adult protection and adult guardianship functions;

D. Creation of a universal information and referral system for all health, social and educational services to be phased in as funds become available;

E. A single case management system responsive to unique consumer needs within each of the new departments;

F. A single contracting, evaluation and licensing system within each of the new departments;

G. Transfer, to the greatest extent possible under federal law, programs for people who are homeless or at risk of becoming homeless currently provided by the Department of Economic and Community Development to the Maine State Housing Authority;

H. Authorization for the Department of Children and Families and the Department of Health and Developmental Services to share resources such as, but not limited to, regional office space, data management services and payroll services; and

I. Any changes in juvenile correctional services that the commission recommends after considering the report of the

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

2 Interdepartmental Council's task force on juvenile
3 corrections.

4 **Sec. A-6. Juvenile corrections task force.** By June 1, 1992, the
5 Interdepartmental Council shall convene a task force to determine
6 whether juvenile correctional services should remain part of the
7 Department of Corrections or should be moved to the Department of
8 Children and Families and recommend strategies to improve
9 services for consumers of juvenile correctional services and
10 increase the eligibility of juvenile correctional clients for
11 3rd-party payment of services. The task force must include
12 representatives from the executive and legislative branches. The
13 task force shall report its findings to the Commission on the
14 Reorganization of Health, Social and Developmental Services by
15 September 1, 1992. Juvenile correctional services include
16 juvenile detention, probation and parole, the Maine Youth Center
17 and community-based juvenile programs.

18 **Sec. A-7. Advisory boards.** The Commission on the
19 Reorganization of Health, Social and Developmental Services shall
20 consider whether the Department of Children and Families and the
21 Department of Health and Developmental Services should each have
22 a single advisory board to replace the various boards that serve
23 the current departments. If the commission decides that each
24 department should have a single advisory board, it shall submit
25 implementing legislation.

26 **Sec. A-8. Appropriation.** The following funds are appropriated
27 from the General Fund to carry out the purposes of this Part.

30 1991-92

32 **LEGISLATURE**

34 **Commission on the Reorganization of Health,**
36 **Social and Developmental Services**

38	Personal Services	\$5,000
40	All Other	5,900

42 Provides funds to the Commission on the
43 Reorganization of Health, Social and
44 Developmental Services for the salary and
45 per diem of legislative members and for
46 miscellaneous commission expenses.

48	LEGISLATURE	
	TOTAL	<u>\$10,900</u>

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PART B

Sec. B-1. 5 MRSA §1822, as amended by PL 1989, c. 14, §1, is further amended to read:

§1822. Blind-made products

A The Blind-made Products Committee, comprising comprised of the State--Purchasing--Agent Director of the Bureau of General Services, the Director of the Bureau of Rehabilitation and the Director of the Division Bureau for the Blind and Visually Impaired, --Bureau--of--Rehabilitation,--and--hereafter within the Department of Education, in sections 1822 to 1824 called "the committee," shall determine the price of all products which that meet specifications prescribed by the State--Purchasing--Agent Director of the Bureau of General Services and are agreeable to all members of the committee and which that are manufactured by the Maine Institution for the Blind and offered for sale to the State or a political subdivision, any a governmental agency or a public benefit corporation thereof of the State; and shall revise such prices from time to time in accordance with changing cost factors; and shall make such rules and ~~regulations~~ regarding selection of products, time of delivery and other relevant matters as ~~shall--be~~ are necessary to carry out the purpose purposes of sections 1822 to 1824.

Sec. B-2. 20-A MRSA c. 13 is enacted to read:

CHAPTER 13

SERVICES FOR BLIND AND VISUALLY IMPAIRED PERSONS

SUBCHAPTER I

GENERAL PROVISIONS

§951. Bureau for the Blind and Visually Impaired established

The Bureau for the Blind and Visually Impaired is established within the department and is under the jurisdiction of the Director of the Bureau for the Blind and Visually Impaired. The commissioner shall appoint the director, subject to the Civil Service Law.

§952. Definitions

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

1. Blind person. "Blind person" means a person having not more than 10% visual acuity in the better eye with correction. This means a person who has not more than 20/200 central visual acuity in the better eye after correction or an equally disabling loss of the visual field of vision such that the widest diameter of the visual field subtends an angle no greater than 20°. Blindness must be certified by a duly licensed ophthalmologist.

2. Bureau. "Bureau" means the Bureau for the Blind and Visually Impaired.

3. Director. "Director" means the Director of the Bureau for the Blind and Visually Impaired.

4. Jurisdiction. "Jurisdiction" means the control of the maintenance, operation and protection of public buildings and property of the State or of any county or municipality.

5. Jurisdiction of the director. "Jurisdiction of the director" means the director's direct administrative responsibility for all programs and personnel under the bureau and for the performance of the duties established by this chapter.

6. Licensing agency. "Licensing agency" means the bureau, which is the state agency designated by the Rehabilitation Services Administration within the federal Department of Education to issue licenses to blind persons for the operation of vending facilities.

7. Operator. "Operator" means the individual blind person duly licensed by the bureau who personally operates the vending facility.

8. Public building or property. "Public building or property" means any building or land owned, leased or occupied by a department, agency or authority of a county, a municipality or the State.

9. Vending facility. "Vending facility" means a restaurant, a cafeteria, including the cafeteria located in the State Office Building in Augusta, a snack bar, a vending machine for food or beverages and goods and services customarily offered in connection with any of those facilities.

SUBCHAPTER II

EDUCATION PROGRAMS

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§953. Education of blind children

1. Bureau. The bureau shall provide the following services to blind and visually impaired individuals from birth to 21 years of age:

- A. Itinerant teacher services;
- B. Mobility instruction;
- C. Braille instruction;
- D. Low-vision services;
- E. Special aids and supplies needed to participate in the educational process; and
- F. Advocacy, counseling and guidance services to students and their parents.

2. School administrative units. Nothing in this section relieves school administrative units from fulfilling their responsibilities under chapter 207-A or Part 4, Subpart 1.

SUBCHAPTER III

VOCATIONAL PROGRAMS

§954. Authority required

The officer, board or other authority in charge of any building or property of the State, a county or a municipality shall grant to the bureau the authority:

- 1. Vending facility. To install in any such buildings or property a vending facility to be operated by a blind person duly licensed by the bureau whenever a vending facility may be properly and satisfactorily operated by a blind person; or
- 2. Vending machines. To place vending machines operated by the bureau in any such building or property if a vending facility operated by a licensed blind operator is not warranted. Income from these vending machines must be used for the purposes enumerated in this section.

This authority is provided for the purposes of providing blind persons with remunerative employment, enlarging the economic opportunities of blind persons and stimulating blind

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2 persons to greater efforts to make themselves self-supporting
3 with independent livelihoods.

4 **§955. Preference**

6 The officer, board or other authority in charge of any
7 building or property of the State, a county or a municipality
8 shall:

10 1. Policies. Adopt policies and take actions as are
11 necessary to ensure that blind persons licensed by the bureau are
12 given preference in establishment and operation of vending
13 facilities on property under that entity's jurisdiction;

14 2. Surveys. Cooperate with the bureau in surveys of
15 properties and buildings under that entity's control in order to
16 find suitable locations for the operation of vending facilities
17 by blind persons and, after it has been determined that such a
18 facility may be properly and satisfactorily operated by a blind
19 person, shall cooperate with the bureau in the installation of
20 that vending facility;

22 3. Income. Arrange for the assignment of the income
23 derived from vending machines located within reasonable proximity
24 to and in direct competition with a vending facility for which
25 authority has been granted pursuant to this subchapter to the
26 vending facility operator or operators affected. If a vending
27 machine vends articles of a type authorized for vending pursuant
28 to this subchapter and is so located that it attracts customers
29 who would otherwise patronize the vending facility, the machine
30 is deemed to be in reasonable proximity to and in direct
31 competition with the vending facility;

34 4. Licensing. Inform the bureau of the relicensing or
35 licensing for the operation of any vending operation at least 30
36 days prior to any such contemplated action;

38 5. Vending machines. Allow the bureau to place vending
39 machines in any building where a vending facility operated by a
40 blind operator would not be feasible. Income from these machines
41 must accrue to the bureau's set-aside account for the purposes
42 stated in section 953; and

44 6. Locations. Inform the bureau of any location where a
45 vending facility operated by a blind operator is planned or might
46 be operated in or about other public buildings or properties
47 within the jurisdiction of any department, agency or authority of
48 the State or any county or municipality.

50 **§956. Powers and duties of bureau**

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In carrying out this subchapter, the bureau shall:

1. Required rules. Adopt rules governing:

A. Maintenance of a roster of persons eligible to be operators and issuance of licenses;

B. Fair hearings. The rules must provide that, if an operator desires to appeal a decision that the operator believes to be adverse, a hearing board consisting of 3 persons must be appointed, one member chosen by the operator, one member chosen by the bureau and the 3rd member chosen by the 2 other members. The decision of the board is final;

C. Right, title to and interest in vending facility equipment and stock; and

D. Civil rights;

2. Other rules. Adopt other rules as necessary to carry out this chapter;

3. Surveys. Conduct surveys to find locations where vending facilities may be properly and satisfactorily operated by blind persons and establish vending facilities as it determines appropriate;

4. Management. Provide management and supervisory services as necessary to ensure that each vending facility operated by a blind operator is operated in the most effective and productive manner possible;

5. Plans. Provide plans and specifications for proposed vending facilities and equipment to the appropriate officer, board or authority for approval prior to installation; and

6. Other action. Take any other action necessary or appropriate to carry out this subchapter.

§957. Construction; remodeling; planning for vending facility

When new construction, remodeling, leasing, acquisition or improvement of a public building or property is authorized, the agency directing the construction, remodeling, leasing, acquisition or improvement shall, when the size of the building or property warrants, make available suitable space and

facilities for vending facilities operated by blind persons licensed by the bureau pursuant to this subchapter.

§958. Construction of buildings

If a suitable location is available for a vending facility that requires the construction of a portable building, the bureau may construct such a building and have the use of the land necessary for the building.

§959. Exemptions

A license fee, rental or other charge may not be demanded, assessed, exacted, required or received for the granting of authority to a blind person licensed by the bureau to operate a vending facility pursuant to this subchapter.

§960. Correctional, mental and certain educational institutions

This subchapter does not apply to a correctional or mental institution or to an educational institution of any type supported in whole or in part from public funds, unless the educational institution is a university, college, junior college or technical college.

§961. Application

If a vending facility not under the control of the bureau exists in a building or on property of the State, a county or a municipality, the person having jurisdiction over that building or property shall give preference to the bureau to continue operation of the vending facility when any existing lease or contract expires or is terminated.

Sec. B-3. 22 MRSA c. 959, as amended, is repealed.

Sec. B-4. Transition. The following provisions apply to the transfer of the Department of Human Services, Division for the Blind and Visually Impaired, referred to in this section as the "division," and the Department of Education, Bureau for the Blind and Visually Impaired, referred to in this section as the "bureau."

1. Unencumbered balances remaining in the division on the effective date of this Act must be transferred to the bureau.

2. Notwithstanding the provisions of the Maine Revised Statutes, Title 5, all accrued expenditures, assets and liabilities and the balances of appropriations, allocations, transfers, revenues or other available funds in an account or

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2 subdivision of an account of the division must be transferred to
the proper accounts by the State Controller upon the request of
the State Budget Officer and the approval of the Governor.

4
6 3. All agreements, leases, contracts or licenses issued by
the division prior to the effective date of this Act are
transferred to the bureau and continue to be valid under the
8 terms of issuance until they expire or are rescinded, amended or
revoked.

10
12 4. All rules adopted under the Maine Revised Statutes,
Title 22, chapter 959 or adopted with regard to that chapter
prior to the effective date of this Act must be administered by
14 the bureau and continue in effect until rescinded or amended by
the appropriate authority or overturned by a court of law.

16
18 5. All employees of the division are transferred to the
bureau and are subject to the provisions of this subsection.

20 A. The employees retain their accrued fringe benefits,
including vacation and sick leave, health and life insurance
22 and retirement benefits.

24 B. The employees who are members of collective bargaining
units on the effective date of this Act remain as members in
26 their respective bargaining units and retain all rights,
privileges and benefits provided by their collective
28 bargaining agreements with respect to state service while
employed with the division.

30 C. The employees who are members of collective bargaining
units remain as members of the Maine State Retirement System.

34 D. The Bureau of Human Resources shall assist with the
orderly implementation of these provisions.

36
38 **Sec. B-5. Legislative intent.** It is the intent of the
Legislature that the transfer of programs authorized by this Part
be accomplished without any increased cost. Notwithstanding any
40 other provision of law, no personnel may be added to the
legislative count of the Bureau for the Blind and Visually
42 Impaired, no additional cost over those for which funds have been
appropriated may be incurred and no position may be upgraded as a
44 result of the transfer of programs from the Department of Human
Services, Division for the Blind and Visually Impaired to the
46 Department of Education, Bureau for the Blind and Visually
Impaired.

48
50 **Sec. B-6. Report.** The Department of Education, Bureau for
the Blind and Visually Impaired shall report to the joint

standing committee of the Legislature having jurisdiction over
state and local government matters and the Office of the
Executive Director of the Legislative Council on the results of
the transfer of programs authorized by this Part by December 1,
1992. The report must include proposed legislation if any
further statutory changes are necessary to fully implement the
transfer of programs for blind and visually impaired persons from
the Department of Human Services to the Department of Education.

Sec. B-7. Maine Revised Statutes amended; revision clause.

Wherever in the Maine Revised Statutes the words "Division for
the Blind and Visually Impaired" appear or reference is made to
those words, they are amended to read and mean "Bureau for the
Blind and Visually Impaired," and the Revisor of Statutes shall
implement this revision when updating, publishing or republishing
the statutes.

Wherever in the Maine Revised Statutes the words "Department
of Human Services, Division for the Blind and Visually Impaired"
appear or reference is made to those words, they are amended to
read and mean "Department of Education, Bureau for the blind and
Visually Impaired," and the Revisor of Statutes shall implement
this revision when updating, publishing or republishing the
statutes.

PART C

Sec. C-1. 5 MRSA Pt. 8, as amended, is repealed.

Sec. C-2. 5 MRSA Pt. 8-A is enacted to read:

PART 8-A

STATE PLANNING

CHAPTER 314

DIRECTOR OF STATE PLANNING

§3331. Director of State Planning

There is established to carry out the purposes of this
chapter the position of Director of State Planning within the
Executive Department, office of the Governor, referred to in this
chapter as the "director." The duties of the director consist of
research, analysis and the formulation, coordination and
management of policy. The director is directly responsible to
the Governor and serves in an advisory, consultative,
coordinating and research capacity. The director shall assist

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2 the Governor and state agencies in the development of economic,
3 fiscal and regulatory policy; the identification of issues and
4 problems of long-term significance to the State; and the
5 coordination of state policy and its implementation on issues of
6 interagency concern.

8 **§3332. Qualifications; duties; responsibilities**

9 1. Qualifications. The director must be qualified by
10 education, training and experience in planning or public
11 administration.

12 2. Powers and duties. The director shall:

13 A. Advise the Governor and other officials of State
14 Government on all matters of policy, statewide planning and
15 public investment and consult with them in respect to
16 planning matters and projects that affect the future plans
17 of the State;

18 B. Be assisted by departments, agencies, authorities,
19 boards, commissions, other instrumentalities of the State or
20 other governmental units in the gathering of information,
21 reports and data that relate to state planning;

22 C. At the director's discretion, act for the State in the
23 initiation of or participation in any multigovernmental
24 agency program relative to the purposes of this chapter;

25 D. Provide technical assistance to the Governor and the
26 Legislature by undertaking special studies and plans,
27 preparing or analyzing policy alternatives and identifying
28 the immediate and long-range needs and resources to meet
29 these needs in any area authorized by the Governor;

30 E. As coordinating officer:

31 (1) Act as the coordinator for officers, authorities,
32 boards, commissions, departments and divisions of the
33 State in matters relative to the physical development
34 of the State and review the proposals of those agencies
35 in the light of their relationship to adopted policies
36 and incorporate such reviews in the reports of the
37 office of the Governor; and

38 (2) Provide general coordination and review of plans
39 in functional areas of State Government as may be
40 necessary for receipt of federal funds.

Nothing in this section may be construed as limiting the powers and duties of an officer, authority, board, commission, department or political subdivision of the State.

Sec. C-3. Implementing legislation authorized. On or before March 1, 1993, the joint standing committee of the Legislature having jurisdiction over state and local government matters shall report to the Legislature any legislation necessary to accomplish the repeal or reassignment of the programs and other statutory obligations currently administered by the State Planning Office.

Sec. C-4. Effective date. Sections 1 and 2 of this Part take effect November 1, 1993.

PART D

Sec. D-1. 10 MRSA §934, sub-§6 is enacted to read:

6. Compensation. A public sector director under subsection 3 is not entitled to compensation.

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

1992-93

**ECONOMIC AND COMMUNITY DEVELOPMENT,
DEPARTMENT OF**

International Commerce

All Other \$176,238

Provides funds for competitively contracted services in support of international trade assistance activities.

**DEPARTMENT OF ECONOMIC AND COMMUNITY
DEVELOPMENT**

TOTAL \$176,238

WORLD TRADE ASSOCIATION, MAINE

Maine World Trade Association

All Other (\$176,238)

Eliminates funding to the Maine World Trade

Association.

2

MAINE WORLD TRADE ASSOCIATION

4

TOTAL

(\$176,238)

6

SECTION D-2

TOTAL APPROPRIATIONS

\$-0-

8

10 Further amend the bill by inserting after the emergency
clause the following:

12

FISCAL NOTE

14

1991-92

16

APPROPRIATIONS/ALLOCATIONS

18

General Fund

\$10,900

20

22 Part A 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 Commission on the Reorganization of
24 Health, Social and Developmental Services, which will report out
legislation to create 2 new state departments by merging several
current departments and agencies. The Legislature can absorb
26 staffing costs during any interim between sessions.

28

30 The Department of Human Services, the Department of Mental
Health and Mental Retardation, the Office of Substance Abuse and
the Office of Community Services can absorb the costs of
providing information and assistance to the commission within
32 existing budgeted resources.

34

The Interdepartmental Council will absorb the costs related
to a study of juvenile corrections services.

36

38 It can not be determined if any savings can be achieved
through the proposed reorganization.

40

42 The transfer of the Division for the Blind and Visually
Impaired within the Department of Human Services to the
Department of Education in Part B of the bill is required to be
accomplished with no additional funding.

44

46 Part C of the bill abolishes the State Planning Office in
fiscal year 1993-94 and establishes a Director of State Planning
in the office of the Governor. It can not be determined if there
48 will be future General Fund savings until the Legislature
determines the reassignment of current program components to
50 other state agencies.

2 Part D of the bill deappropriates \$176,238 in fiscal year
4 this same amount to the International Commerce Division within
6 the Department of Economic and Community Development. This
8 amount may require adjustment pending the outcome of the 1992-93
supplemental budget proposal, L.D. 2185.'

10 **STATEMENT OF FACT**

12 This amendment replaces the bill. Part A of this amendment
14 establishes the Department of Children and Families and the
16 Department of Health and Developmental Services. The Commission
18 on the Reorganization of Health, Social and Developmental
20 Services is established with specific guidelines to transfer the
services currently provided by the Department of Human Services,
the Department of Mental Health and Mental Retardation, the
Office of Substance Abuse and the Office of Community Services to
these 2 new departments.

22 Part B of this amendment transfers the Division for the
24 Blind and Visually Impaired within the Department of Human
26 Services to the Department of Education, where it is established
as a separate bureau, with no increase in administrative,
personnel or other costs.

28 Part C of this amendment transfers the programs administered
30 by the State Planning Office to other appropriate existing
32 agencies, establishes the position of the Director of State
Planning in the Governor's office and abolishes the State
Planning Office.

34 Part D removes the direct allocation of General Funds to the
36 Maine World Trade Association and appropriates those funds to the
38 Department of Economic and Community Development. That
40 department may use these funds to seek, through competitive bid,
contracted services to assist Maine businesses in seeking export
markets and to assist foreign businesses seeking to do business
in cooperation with businesses in this State.

42 To avoid any appearance of a conflict of interest, Part D
44 also provides that no public sector director of the association
may receive any form of compensation from the association.

Reported by Senator Berube for the Committee on State and
Local Government. Reproduced and Distributed Pursuant to
Senate Rule 12.

(3/24/92)

(Filing No. S-680)