

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2390

H.P. 1709

House of Representatives, February 27, 1992

Submitted by the Special Commission on Governmental Restructuring pursuant to Public Law 1991, chapter 139.

Reference to the Joint Standing Committee on State and Local Government suggested and printing ordered under Joint Rule 18.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-TWO

**An Act to Create an Independent Office of Advocacy for the Purpose of
Administrative Efficiency.**



Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §7022, as amended by PL 1991, c. 376, §23, is further amended to read:

§7022. Membership

The commission consists of 17 7 members, including 9 3 appointed by the Governor, 4 2 appointed by the President of the Senate and 4 2 appointed by the Speaker of the House of Representatives. In making these appointments to the commission, the Governor, the President of the Senate and the Speaker of the House of Representatives shall consider and appoint residents of the State who have a knowledge of problems facing Maine women and who provide leadership in programs or activities which that are carried out to improve opportunities for women. The members of the commission, chosen from throughout the State, must include but is not be limited to representatives of minority, low-income ~~low-income~~, youth and elderly groups. The President of the Senate shall appoint at least one member who must represent minorities. The Speaker of the House of Representatives shall appoint at least one member who must represent the interests of the elderly. The Governor shall appoint at least one member who must represent the interests of low-income people and at least one member who must represent the interest of youth.

Sec. 2. 5 MRSA §7023, as enacted by P&SL 1975, c. 147, Pt. G, §1, is amended to read:

§7023. Term of office

Members shall must be appointed for 2-year terms, except of those members first appointed, 5 2 appointed by the Governor, 2 one appointed by the President of the Senate and 2 one appointed by the Speaker of the House of Representatives shall must be appointed for 2-year terms, and the remainder shall must be appointed for one-year terms. The term of office of each member shall must be designated at the time of appointment.

Members may serve after the expiration of their terms until their successors have taken office. The Governor, the President of the Senate and the Speaker of the House of Representatives may terminate the membership of their respective appointees for good and just cause and the reason for the termination shall must be communicated in writing to each member whose term is so terminated. The appointment of any member of the commission shall be is terminated if the member is absent from 3 consecutive meetings without communicating good and just cause to the chairman chair.

2 **Sec. 3. 5 MRSA §12004-G, sub-§14-B** is enacted to read:

4 **14-B.** Advocacy Expenses 5 MRSA
 Human Board Only §19603
6 Services:
 Advocacy

8 **Sec. 4. 5 MRSA §12004-J, sub-§11** is enacted to read:

10 **11.** Office of Expenses 5 MRSA
 Advocacy Advocacy Only §19602

14 **Sec. 5. 5 MRSA c. 513** is enacted to read:

16 **CHAPTER 513**

18 **OFFICE OF ADVOCACY**

20 **§19601. Definitions**

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

26 1. Administrative support. "Administrative support" means
 space, clerical services, payroll services, publications, office
28 materials and equipment and any other similar administrative
 services or assets.

30 2. Advocacy services. "Advocacy services" means services
 directed at a class of people that empower that class of people
32 to assert legal rights or to improve their status in society.

34 3. Board. "Board" means the Advocacy Board established in
 section 19603.

36 4. Committee. "Committee" means the Maine Committee on
38 Aging described in section 12004-J, subsection 4.

40 5. Council. "Council" means the State Planning and
 Advisory Council on Developmental Disabilities described in
42 section 12004-I, subsection 66.

44 6. Office. "Office" means the Office of Advocacy
 established in section 19602.

46 7. Mental health commission. "Mental health commission"
48 means the Maine Commission on Mental Health described in section
50 12004-J, subsection 7.

2 8. Women's commission. "Women's commission" means the
3 Maine Commission for Women described in section 12004-J,
4 subsection 6.

6 §19602. Establishment and purpose

8 The Office of Advocacy is established, pursuant to section
9 12004-J, subsection 11, as an independent office to provide
10 common administrative support to the committee, council, mental
11 health commission and women's commission. The office shall
12 consolidate administrative support of the committee, council,
13 mental health commission and women's commission in a manner that
14 eliminates duplication and provides efficiency.

16 §19603. Advocacy Board

18 The Advocacy Board is established, pursuant to section
19 12004-G, subsection 14-B, as the governing body of the office.

20 1. Members. The board is composed of no more than 8
21 members who are the chairs or vice-chairs of the committee,
22 council, mental health commission or women's commission. The
23 members shall choose a chair and a vice-chair of the board from
24 among themselves.

26 2. Office manager. The board shall hire an office manager
27 to be responsible for the administrative support functions of the
28 office. The office manager shall pool and manage administrative
29 support of the committee, council, mental health commission and
30 women's commission.

32 3. Authority. The board shall oversee the office manager;
33 identify savings to be realized through the management described
34 in subsection 2; identify overlapping areas of responsibility of
35 and promote joint activities by the committee, council, mental
36 health commission and women's commission; and identify classes of
37 people unrepresented by the committee, council, mental health
38 commission or women's commission that may need advocacy services.

40 4. Meetings. The board shall meet at the call of the chair
41 or at the call of 5 members. The board shall meet at least once
42 every 3 months and shall keep minutes of all meetings.

44 5. Expenses. Members are entitled to reimbursement for
45 expenses in accordance with chapter 379.

46 6. Report. The board shall submit annually by December 15
47 a written report to the joint standing committee of the
48 Legislature having jurisdiction over human resources matters.
49 The report must include a description of the activities of the
50

committee, council, mental health commission and women's
commission; a description of the office's activities and the
efficiencies achieved by the office; and any recommendations for
legislation or other actions that could further enhance the
effective and efficient functioning of the office and the
committee, council, mental health commission and women's
commission.

§19604. Repeal

This chapter is repealed on July 1, 1994. Prior to July 1,
1994, the joint standing committee of the Legislature having
jurisdiction over human resources matters shall review the
performance and duties of the office.

Sec. 6. 22 MRSA §5108-A, sub-§1, as enacted by PL 1987, c. 58,
§2, is amended to read:

1. Membership, general qualifications. The committee shall
be is composed of ~~15~~ 7 members who shall must be citizens of the
State. The members shall must have an unselfish and demonstrated
interest in older people, a knowledge of the status of survival
common to the State's elderly and an unwavering allegiance to the
challenge of the declaration of a people made by older Americans.

Sec. 7. 22 MRSA §5108-A, sub-§2, ¶A, as enacted by PL 1987, c.
58, §2, is amended to read:

A. The Governor shall appoint ~~13~~ 5 members who are current
leaders of the State's elderly from a number of fields, such
as income, health, housing and community and social
services, and who have proven experience in private, public
and voluntary organizations on the state, regional and
community level, such as statewide membership groups, task
forces on aging, regional and county councils of older
people and municipal level senior citizens clubs.

Sec. 8. 22 MRSA §5108-A, sub-§2, ¶C, as enacted by PL 1987, c.
58, §2, is amended to read:

C. At least ~~8~~ 3 members shall must be older Americans. An
official, employee, consultant or any other individual
employed, retained or otherwise compensated by or
representative of the executive branch of State Government
shall may not be a member of the committee.

Sec. 9. 34-B MRSA §3901, sub-§2, as amended by PL 1989, c.
335, §4, is further amended to read:

2. Membership. The commission shall-~~consist~~ consists of ~~23~~

7 members, including 12 4 appointed by the Governor and 11 3 jointly appointed by the President of the Senate and the Speaker of the House of Representatives. One of the members jointly appointed by the President of the Senate and the Speaker of the House of Representatives and one of the members appointed by the Governor shall must be primary consumers of mental health services. One of the members jointly appointed by the President of the Senate and the Speaker of the House of Representatives and one of the members appointed by the Governor shall must be secondary consumers of mental health services. In making these appointments to the commission, the Governor, the President of the Senate and the Speaker of the House of Representatives Representatives shall consider and appoint residents of the State who have a knowledge of problems facing persons with mental illness in the State and who provide leadership in programs or activities which that are carried out to improve opportunities for persons with mental illness. The Governor shall select a person from among the first appointees to serve as chair. Subsequent chairs shall must be selected by majority vote of the members of the Maine Commission on Mental Health. The initial appointments to this commission shall must be made within 30 days of the effective date of this subchapter.

Sec. 10. 34-B MRSA §3901, sub-§3, as enacted by PL 1987, c. 887, §8, is amended to read:

3. **Terms of office; vacancies.** The terms of office of the appointed members shall--be are 2 years, except for the first appointed members. Of the first appointed members, 5 2 members appointed by the Governor,--3-members--appointed-by-the-President of the Senate and 3-members one member appointed by jointly by the President of the Senate and the Speaker of the House of Representatives shall serve for terms of 2 years. The remainder of the members shall must be appointed for terms of one year. The term of office of each member shall must be designated at the time of appointment.

A. Upon expiration of a member's term, the member shall serve serves until a successor is qualified and appointed. Any member may be removed for cause which shall--include includes excessive absences from meetings of the commission. Excessive absences shall must be defined by the commission.

B. A vacancy on the commission shall--be is filled for the unexpired term in the same manner in which an appointment is made.

Sec. 11. 34-B MRSA §3901, sub-§5, as enacted by PL 1987, c. 887, §8, is amended to read:

2 **5. Quorum.** Nine Four members of the commission shall
4 constitute a quorum. No action may be taken by the commission
except by affirmative vote of a majority of those present and
6 voting.

8 **Sec. 12.** PL 1991, c. 622, Pt. S, §§5, 18, 19, 30, 33, 34 and 35 are
repealed.

10 **Sec. 13. Retroactivity.** Section 12 of this Act applies
12 retroactively to December 23, 1991.

14 **Sec. 14. Effective date.** Sections 3, 4 and 5 take effect
16 September 1, 1992. The Advocacy Board shall make every effort to
hire an office manager by December 15, 1992.

18
20 **STATEMENT OF FACT**

22 This bill implements the recommendations of a minority of
the Special Commission on Governmental Restructuring regarding
24 the creation of an Office of Advocacy to provide common
administrative support to 4 advocacy organizations.

26 This bill establishes the Office of Advocacy and the
Advocacy Board to govern the office. The Advocacy Board is
28 composed of the chairs and vice-chairs of the Maine Committee on
Aging, the Maine Commission on Mental Health, the Maine
30 Commission for Women and the State Planning and Advisory Council
on Developmental Disabilities.

32 The bill re-establishes the Maine Committee on Aging, the
34 Maine Commission on Mental Health and the Maine Commission for
Women and reduces each organization's membership to 7.

36 The bill also provides an effective date for the
38 establishment of the Office of Advocacy and the Advocacy Board.