

# MAINE STATE LEGISLATURE

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22  
R. of S.

L.D. 1508

(Filing No. H- 516 )

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
116TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1112, L.D. 1508, "Resolve, to Establish the Health and Social Services Transition Team to Develop the Governor's Restructuring Proposal to Combine the Departments of Human Services and Mental Health and Mental Retardation and the Office of Substance Abuse in a New Department of Health and Family Services"

Amend the resolve by striking out the title and substituting the following:

'Resolve, to Abolish the Department of Human Services and the Department of Mental Health and Retardation and Create a New Department of Health and a New Department of Children and Families'

Further amend the resolve by striking out everything after the title and before the statement of fact and inserting in its place the following:

'Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Legislature finds that health, social and developmental services must be reorganized for maximum efficiency and effectiveness; and

Whereas, Maine State Government must reflect the changes and restructuring that are occurring in the business community by centralizing administrative functions and combining fragmented services in a way that does not adversely affect the provision of services; and

Whereas, the transition process for reorganization must begin immediately; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately

**COMMITTEE AMENDMENT**

necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Reorganization of health, social and developmental services.**

**Resolved:** That, on July 1, 1994, the Department of Human Services and the Department of Mental Health and Mental Retardation are abolished and the functions of those agencies are reorganized functionally into a newly created Department of Children and Families and a newly created Department of Health, and are delegated to other existing State agencies as specified in this resolve. On July 1, 1994, the Commissioner of Mental Health and Mental Retardation becomes the Commissioner of Health and the Commissioner of Human Services becomes the Commissioner of Children and Families; and be it further

**Sec. 2. Health and Social Services Transition Team; creation.**

**Resolved:** That the Health and Social Services Transition Team, referred to in this resolve as "the team," is established. The team shall develop all legislation needed to implement the reorganization of services in accordance with this resolve, including, but not limited to, amendments to the statutes, reallocation of funds and transitional language. The legislation must be presented to the Legislature by January 1, 1994 for consideration during the Second Regular Session of the 116th Legislature; and be it further

**Sec. 3. Content of legislation. Resolved:** That the legislation prepared by the team must provide for at least the following:

1. Abolition of the Department of Human Services and the Department of Mental Health and Mental Retardation;

2. Creation of the Department of Children and Families with the following bureaus: the Bureau of Child Welfare, the Bureau of Child and Family Services, the Bureau of Children with Special Needs and the Bureau of Income Assistance;

3. Creation of the Department of Health with the following bureaus: the Bureau of Mental Health, the Bureau of Mental Retardation, the Bureau of Community Health, the Bureau of Medical Quality Assurance and the Bureau of Elder and Adult Services;

4. Streamlined organization and administration of services, including, but not limited to, the elimination of service duplication, the consolidation of regulatory and other administrative functions, and the coordinated development of management and information systems;

R. of S.

COMMITTEE AMENDMENT "A" to H.P. 1112, L.D. 1508

- 2 5. Creation of a universal information and referral system
- 4 for all health, social and educational services, including a
- 6 single point of entry for families in need of services;
- 8 6. A single case management system within each of the new
- 10 departments;
- 12 7. A single contracting, evaluation and licensing system
- 14 within each of the new departments;
- 16 8. Emphasis on regional and community-based planning and
- 18 delivery of services;
- 20 9. Authorization for the Department of Children and
- 22 Families and the Department of Health to share resources such as,
- but not limited to, regional office space, data management
- services and payroll services; and
- 24 10. Any changes in juvenile correctional services that the
- team recommends after considering the report of the task force on
- juvenile corrections created pursuant to section 6; and be it
- further

**Sec. 4. Additional recommendations. Resolved:** That the team shall make recommendations regarding the following:

- 26 1. Whether services for people who are homeless or at risk
- 28 of becoming homeless should be consolidated within one agency
- 30 and, if so, which agency. In developing these recommendations,
- 32 the team shall consult with the Interagency Task Force on
- Homelessness;
- 34 2. Where services provided by the Bureau of Rehabilitation
- should be located;
- 36 3. Which of the new agencies should be responsible for
- 38 determining Medicaid eligibility; and
- 40 4. Whether, given the new configuration of the departments,
- 42 any change is needed in the existing advisory board structure;
- and be it further

**Sec. 5. Team process. Resolved:** That the team shall conduct its work in an open and accessible manner. The team shall consult the business community, private industry councils, consumers and consumer advocates, health care and social service providers, mental health and mental retardation treatment providers and advisory councils on health and social service issues. As time and resources permit, the team shall hold

**COMMITTEE AMENDMENT**

regional meetings and hearings to gather technical information and consider public policy issues; and be it further

**Sec. 6. Juvenile corrections task force. Resolved:** That, by July 1, 1993, the chair of the team shall appoint and convene a task force to determine whether juvenile correctional services should remain part of the Department of Corrections or should be moved to the Department of Children and Families, recommend strategies to improve services for consumers of juvenile correctional services and increase the eligibility of juvenile correctional clients for 3rd-party payment of services. The task force must include parents of children receiving correctional services; representatives from community advocacy organizations involved in juvenile corrections issues; a representative from the Juvenile Justice Advisory Group; at least one representative from the educational policy advisory committee for the Arthur R. Gould School; representatives from the Department of Corrections, the Department of Human Services and other appropriate executive agencies; 2 members of the Joint Select Committee on Corrections, one member of the Joint Standing Committee on Human Resources and one member of the Joint Standing Committee on Judiciary.

The chair of the team shall call the first meeting, at which the members of the task force shall select a task force chair by majority vote. The task force must report its findings to the team by September 1, 1993. Copies of the task force report must be submitted to the Joint Select Committee on Corrections and the Joint Standing Committee on Human Resources.

For the purposes of this resolve, "juvenile correctional services" include juvenile detention, probation and parole, the Maine Youth Center and community-based juvenile programs; and be it further

**Sec. 7. Composition of the Health and Social Services Transition Team; chair. Resolved:** That the team must be created before July 1, 1993 and consists of the following members:

1. Two Legislators serving on the Joint Standing Committee on Human Resources, one appointed by the chairs of that committee and one appointed by the first-named member of the minority party on that committee;

2. Two Legislators serving on the Joint Standing Committee on Education, one appointed by the chairs of that committee and one appointed by the first-named member of the minority party on that committee;

R.O.S.

COMMITTEE AMENDMENT "A" to H.P. 1112, L.D. 1508

3. One Legislator serving on the Joint Select Committee on Corrections, appointed by the chairs of that committee;

4. Two representatives from the Department of Mental Health and Mental Retardation, appointed by the Commissioner of Mental Health and Mental Retardation;

5. Two representatives from the Department of Human Services, appointed by the Commissioner of Human Services;

6. Three members from constituency or advocacy groups concerned with health, mental health, social services and homelessness issues, one appointed by the Governor and 2 appointed jointly by the President of the Senate and the Speaker of the House of Representatives;

7. Two representatives of providers of health, mental health and social services, one appointed by the Governor and one appointed jointly by the President of the Senate and the Speaker of the House of Representatives;

8. One representative from the Executive Department, appointed by the Governor; and

9. One member representing the public, appointed by the Governor, to serve as the chair of the team.

No expenses or reimbursement are authorized for members of the team. The Department of Human Services and the Department of Mental Health and Mental Retardation shall absorb the costs of preparing and distributing the team's report; and be it further

**Sec. 8. Assistance from agencies. Resolved:** That the following officials shall provide information, advice and assistance to the team upon request: the Commissioner of Human Services; the Commissioner of Corrections; the Commissioner of Education; the Commissioner of Mental Health and Mental Retardation; the Commissioner of Labor; the Commissioner of Economic and Community Development; the Director of the Office of Substance Abuse; the Director of the State Planning Office; the Director of the Maine State Housing Authority; and the chair of the Interagency Task Force on Homelessness. The team may request assistance from the Legislative Council to prepare the legislation required by this resolve.

**Emergency clause.** In view of the emergency cited in the preamble, this resolve takes effect when approved.

## FISCAL NOTE

2           The Department of Mental Health and Mental Retardation and  
4 the Department of Human Services will incur some minor additional  
6 costs to participate as members on the Health and Social Services  
8 Transition Team and to pay expenses related to the required  
report. These costs can be absorbed within the respective  
departments' existing budgeted resources.

10           The additional costs to participate on the transition team  
12 can be absorbed by the Executive Department utilizing existing  
budgeted resources.

14           The Department of Corrections, the Department of Education,  
16 the Department of Labor, the Department Economic and Community  
Development and the Maine State Housing Authority will incur some  
18 minor additional costs to provide information to the transition  
team upon request. These costs can be absorbed within the  
20 respective agencies' existing budgeted resources.'

## STATEMENT OF FACT

24           This amendment is the majority report of the Joint Standing  
26 Committee on Human Resources. It replaces the original resolve.  
The original resolve requires that the Department of Human  
28 Services, the Department of Mental Health and Mental Retardation  
and the Executive Department, Office of Substance Abuse be  
30 combined to form the Department of Health and Family Services and  
establishes the Health and Social Services Transition Team to  
32 develop a plan to implement this restructuring. This amendment  
also creates a transition team but requires that, as of July 1,  
34 1994, the Department of Human Services and the Department of  
Mental Health and Mental Retardation be reorganized into a new  
36 Department of Health and a new Department of Children and  
Families, as recommended by the Special Commission on  
38 Governmental Restructuring. The issue of whether to move  
juvenile correctional services into the new Department of  
40 Children and Families would be studied by a task force that would  
include all interested parties.

Reported by the Majority of the Committee on Human Resources  
Reproduced and distributed under the direction of the Clerk of the  
House  
6/1/93

(Filing No. H-516)