

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

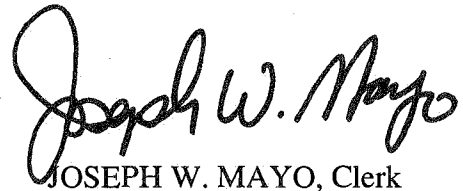
No. 917

H.P. 664

House of Representatives, February 6, 1997

**An Act to Combine the Department of Human Services and the
Department of Mental Health, Mental Retardation and Substance Abuse
Services.**

Reference to the Committee on Health and Human Services suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative JOYNER of Hollis.
Cosponsored by Senator MITCHELL of Penobscot and
Representatives: BRAGDON of Bangor, JOY of Crystal, JOYCE of Biddeford, LINDAHL of
Northport, LOVETT of Scarborough, PLOWMAN of Hampden, SNOWE-MELLO of Poland,
Senator: BENNETT of Oxford.

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

4 PART A

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

8 TITLE 22-A

10 HEALTH AND FAMILY SERVICES

12 CHAPTER I

14 GENERAL PROVISIONS

16 §101. Department of Health and Family Services

18 The Department of Health and Family Services is established
20 and referred to in this Title as the "department." The
22 department consists of the bureaus and divisions as may be
required to carry out the work of the department. The department
has an official department seal, which must be judicially noticed.

24 The department is under the control and supervision of the
26 Commissioner of Health and Family Services, referred to in this
Title as the "commissioner."

28 The commissioner may employ 3 deputy commissioners and any
30 bureau and division heads, deputies, assistants and employees who
32 may be necessary to carry out the work of the department. All
34 personnel of the department are under the immediate supervision,
36 direction and control of the commissioner. These personnel must
be employed subject to the Civil Service Law, except the deputy
commissioners, including the Deputy Commissioner for Management
and Budget; Director, Bureau of Child and Family Services;
Director, Bureau of Health; Director, Bureau of Income
Maintenance; Director, Bureau of Long-term Care Services; and
assistant deputy commissioners.

38 §102. Duties of the department

40 The department is administered in accordance with the
42 requirements of Titles 22 and 34-B and shall fulfill the duties
44 assigned by those Titles and any other requirements of state law.

46 §103. Office of the commissioner

48 1. Appointment. The Governor shall appoint the
50 commissioner subject to review by the joint standing committee of
the Legislature having jurisdiction over health and human
services matters and to confirmation by the Senate to serve at
the pleasure of the Governor.

2 2. Vacancy. Vacancies in the office of the commissioner
3 must be filled as follows.

4 A. Any vacancy in the office of commissioner must be filled
5 by appointment under subsection 1.

6 B. If the office of the commissioner is vacant or if the
7 commissioner is absent or disabled, the Deputy Commissioner
8 for Management and Budget shall perform the duties and has
9 the powers provided by law for the commissioner.

10 3. Qualifications. To qualify for appointment as
11 commissioner, a person must have training and experience in
12 health and family services administration or satisfactory
13 experience in the direction of work of a comparable nature.

14 **§104. Duties of the commissioner**

15 The commissioner shall administer the department in
16 accordance with and fulfill the duties assigned by this Title and
17 Titles 22 and 34-B and any other requirements of state law.

18 **§105. Bureaus**

19 The department contains the following bureaus: the Bureau of
20 Child and Family Services, the Bureau of Health, the Bureau of
21 Income Maintenance and the Bureau of Long-term Care Services.

22 **Sec. A-2. Effective date.** This Part takes effect July 1, 1998.

23 **PART B**

24 **Sec. B-1. Transition.** The following provisions apply to the
25 reassignment of the duties and responsibilities of the Department
26 of Human Services and the Department of Mental Health, Mental
27 Retardation and Substance Abuse Services.

28 1. The Department of Health and Family Services is the
29 successor in every way to the powers, duties and functions of the
30 Department of Human Services and the Department of Mental Health,
31 Mental Retardation and Substance Abuse Services.

32 2. Notwithstanding the provisions of the Maine Revised
33 Statutes, Title 5, all accrued expenditures, assets, liabilities,
34 balances or appropriations, allocations, transfers, revenues or
35 other available funds in an account or subdivision of an account
36 of the Department of Human Services or the Department of Mental
37 Health, Mental Retardation and Substance Abuse Services must be

2 transferred to the proper accounts of the Department of Health
and Family Services by the State Controller upon the request of
4 the State Budget Officer and with the approval of the Governor.

6 3. All rules of the Department of Human Services and the
Department of Mental Health, Mental Retardation and Substance
Abuse Services in effect on July 1, 1998 remain in effect until
8 rescinded, revised or amended.

10 4. All contracts, agreements and compacts of the Department
of Human Services and the Department of Mental Health, Mental
12 Retardation and Substance Abuse Services in effect on July 1,
1998 remain in effect until they expire or are altered by the
14 parties involved in the contracts or agreements.

16 5. All records of the Department of Human Services and the
Department of Mental Health, Mental Retardation and Substance
18 Abuse Services must be transferred to the Department of Health
and Family Services.

20 6. All property and equipment of any bureau, division or
22 program of the Department of Human Services or the Department of
Mental Health, Mental Retardation and Substance Abuse Services
24 are transferred to the Department of Health and Family Services.

26 7. Employees of the Department of Human Services and the
Department of Mental Health, Mental Retardation and Substance
28 Abuse Services retain those positions in the departments to which
they are transferred and retain all their employee rights,
30 privileges and benefits, including sick leave, vacation and
seniority, provided under the Civil Service Law or collective
32 bargaining agreements. The Bureau of Human Resources within the
Department of Administrative and Financial Services shall assist
34 with the orderly implementation of this subsection.

36 **Sec. B-2. Maine Revised Statutes amended; revision clause.**
Wherever in the Maine Revised Statutes the words "Department of
38 Human Services" and "Department of Mental Health, Mental
Retardation and Substance Abuse Services," appear or reference
40 is made to those words, they are amended to read and mean
"Department of Health and Family Services," and the Revisor of
42 Statutes shall implement this revision when updating, publishing
or republishing the statutes.

44 **Sec. B-3. Maine Revised Statutes amended; revision clause.**
46 Wherever in the Maine Revised Statutes the words "Commissioner of
Human Services" and "Commissioner of Mental Health, Mental
48 Retardation and Substance Abuse Services" appear or reference is
made to those words, they are amended to read and mean

2 "Commissioner of Health and Family Services," and the Revisor of
Statutes shall implement this revision when updating, publishing
or republishing the statutes.

4
6 **Sec. B-4. Effective date.** This Part takes effect July 1, 1998.

8
10 **PART C**

12 **Sec. C-1. Budget.** The Bureau of the Budget shall work with
the Department of Human Services and the Department of Mental
Health, Mental Retardation and Substance Abuse Services to
develop the initial budget for the Department of Health and
Family Services.

14
16 **Sec. C-2. Transitional activities.** With the approval of their
respective commissioners, personnel from the Department of Human
Services and the Department of Mental Health, Mental Retardation
and Substance Abuse Services may engage in any activities
necessary to implement this Act in a timely manner. The
Commissioner of Human Services and the Commissioner of Mental
Health, Mental Retardation and Substance Abuse Services shall
cooperate to ensure that any federal approval required to
implement any part of this Act is requested and received. If
either commissioner determines that federal approval will not be
obtained for any part of this Act, that commissioner shall
immediately notify the Joint Standing Committee on Health and
Human Services and the Executive Director of the Legislative
Council.

20
22 **Sec. C-3. Committee bill.** By January 1, 1998, the Joint
Standing Committee on Health and Human Services shall submit
legislation to correct errors, inconsistencies and unintended
policy changes that result from this Act. The Legislative
Council shall provide staff assistance to the committee for the
preparation of the legislation.

24
26 **Sec. C-4. Effective date.** This Part takes effect November 1,
1997.

28
30 **PART D**

32 **Sec. D-1. 5 MRSA §940,** as amended by PL 1995, c. 560, Pt. J,
§1, is repealed.

34
36 **Sec. D-2. 5 MRSA §946,** as amended by PL 1995, c. 395, Pt. G,
§§1 to 4 and affected by §20 and amended by c. 560, Pt. K, §82
and affected by §83, is repealed.

2 **Sec. D-3. 5 MRSA §946-A** is enacted to read:

4 **§946-A. Department of Health and Family Services**

6 **1. Major policy-influencing positions.** The following
8 positions are major policy-influencing positions within the
 Department of Health and Family Services. Notwithstanding any
 other provision of law, these positions and their successor
 positions are subject to this chapter:

- 10 A. Deputy Commissioner of Family Services;
12 B. Deputy Commissioner of Health;
14 C. Deputy Commissioner of Management and Budget;
16 D. Director, Bureau of Child and Family Services;
18 E. Director, Bureau of Health;
20 F. Director, Bureau of Income Maintenance;
22 G. Director, Bureau of Long-term Care Services;
24 H. Director, Division of Children with Special Needs;
26 I. Director, Division of Management and Budget;
28 J. Director, Division of Medical Services;
30 K. Director, Division of Mental Health;
32 L. Director, Division of Mental Retardation;
34 M. Director, Division of Rehabilitation Services;
36 N. Director, Division of Substance Abuse;
38 O. Superintendent, Augusta Mental Health Institute;
40 P. Superintendent, Bangor Mental Health Institute;
42 Q. Director, Elizabeth Levinson Center;
44 R. Director, Mental Retardation Facility; and
46 S. Assistant deputy commissioners.

48 **Sec. D-4. Effective date.** This Part takes effect July 1, 1998.

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PARTE

Sec. E-1. 22 MRSA §1, as amended by PL 1995, c. 560, Pt. J, §2, is further amended to read:

§1. Department of Health and Family Services

The Department of Human Health and Family Services, as established and in this Title 22-A, called the "department" shall ~~consist~~ consists of such bureaus and divisions as may be required to carry out the work of the department. ~~The department shall have an official department seal, which shall be judicially noticed.~~

The department is under the control and supervision of the Commissioner of Human Health and Family Services, referred to in this Title as the "commissioner," ~~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, and serves at the pleasure of the Governor.~~

The commissioner has the powers conferred by this Title and Titles 22-A and 34-B and by other requirements of the law and also has the following powers: the power to appoint associate commissioners; the power to appoint, subject to the Civil Service Law and except as otherwise provided, any employees who may be necessary; the power to perform any legal act to carry out the duties assigned to the commissioner and to the department by this Title and Titles 22-A and 34-B; and the power to set salaries for appointed employees except those for whom salary levels are set by law.

The commissioner may employ any bureau and division heads, deputies, assistants and employees who may be necessary to carry out the work of the department. All personnel of the department are under the immediate supervision, direction and control of the commissioner. ~~These personnel are employed subject to the Civil Service Law, except the Deputy Commissioner, Director, Bureau of Child and Family Services, Director, Bureau of Elder and Adult Services, Director, Bureau of Health, Director, Bureau of Family Independence, Director, Bureau of Medical Services, Assistant Deputy Commissioners, and 3 Regional Executive Managers.~~

2 The commissioner shall appoint the following officials to
3 serve at the commissioner's pleasure: associate commissioners;
4 the Director, Bureau of Child and Family Services; the Director,
5 Bureau of Health; the Director, Bureau of Income Maintenance; the
6 Director, Bureau of Long-term Care Services; the Director,
7 Division of Children with Special Needs; the Director, Division
8 of Management and Budget; the Director, Division of Medical
9 Services; the Director, Division of Mental Health; the Director,
10 Division of Mental Retardation; the Director, Division of
11 Rehabilitation Services; and the Director, Division of Substance
12 Abuse.

13
14 The Director, Bureau of Child and Family Services, and the
15 Director, Bureau of Elder-and-Adult Long-term Care Services, must
16 be appointed by the commissioner. Each of these directors is
17 appointed and serves in the unclassified service at the pleasure
18 of the commissioner. Any vacancy in each of these positions must
19 be filled by appointment as in this paragraph for a like term.

20 The Director of the Bureau of Health must be a licensed
21 physician or a person eligible for licensure in this State under
22 Title 32, chapter 48, who is educated and experienced in public
23 health administration, or a person with an advanced degree in
24 public health and who has administrative experience.

25 **Sec. E-2. 22 MRSA §3, sub-§1**, as enacted by PL 1989, c. 167,
26 **§1**, is amended to read:

27
28 1. **Report.** The Department of Human Health and Family
29 Services shall prepare an annual report on all services
30 contracted with community providers. The department shall
31 deliver its report to the joint standing committee of the
32 Legislature having jurisdiction over appropriations and financial
33 affairs by January 31st of each year. The report shall must
34 include:

35
36 A. A listing, by community agency, of all funds received
37 from the State and a summary of the purposes for which those
38 funds were expended;

39
40 B. A summary of the most recent year's allocations of all
41 funds by bureau or office, service area, region and, if
42 available, county;

43
44 C. An evaluation of additional funding needed to equalize
45 funding among all regions by individual service areas,
46 presented in prioritized order;

47
48 D. The department's assessment, by individual service area,
49 of the outstanding service needs of the State. The
50 assessment shall must identify the funding source projected

2 by the department to be available for the expansion of
3 service, presented in prioritized order; and

4 E. Recommendations for changes in funding resulting from
5 the department's planning and evaluation system presented in
6 the following order of priority: greatest service need
7 within existing funding scheme; equalization of regional
8 funding with each service area; and new or outstanding needs.

10 **Sec. E-3. 22 MRSA §6-B**, as enacted by PL 1993, c. 738, Pt. F,
11 §1 and amended by PL 1995, c. 560, Pt. K, §82 and affected by
12 §83, is repealed.

14 **Sec. E-4. 22 MRSA §9, sub-§1**, as repealed and replaced by PL
15 1983, c. 292, is amended to read:

16 **1. Reasonable fees authorized.** The Department of Human
17 Health and Family Services may charge reasonable fees for any
18 services provided under this Title whether directly or indirectly
19 provided by the department. Any fees thus received shall
20 constitute a permanent fund for use by the department as special
21 revenue income and shall do not become part of the General Fund.
22 Fees so generated shall must be utilized in accordance with
23 federal regulations.

26 **Sec. E-5. 22 MRSA §14, sub-§§2-B and 2-C**, as amended by PL
27 1991, c. 9, Pt. N, §3, are further amended to read:

28 **2-B. Direct reimbursement to health care provider.** When an
29 insured is eligible under the Medicaid program administered by
30 the Department of Human Health and Family Services, pursuant to
31 the United States Social Security Act, Title XIX, ~~or under the~~
32 ~~Maine Health Program, section 3189,~~ for the medical costs or
33 injury, disease, disability or similar occurrence for which an
34 insurer is liable, and the insured's claim is payable to a health
35 care provider as provided or permitted by the terms of a health
36 insurance policy or pursuant to an assignment of rights by an
37 insured, the insurer shall directly reimburse the health care
38 provider to the extent that the claim is honored.

40 **2-C. Direct reimbursement to the Department of Health and**
41 **Family Services.** When an insured is eligible under the Medicaid
42 program administered by the Department of Human Health and Family
43 Services, pursuant to the United States Social Security Act,
44 Title XIX, ~~or under the Maine Health Program, section 3189,~~ for
45 the medical costs of injury, disease, disability or similar
46 occurrence for which an insurer is liable, and the claim is not
47 payable to a health care provider under the terms of the health
48 insurance policy, the insurer shall directly reimburse the
49 Department of Human Health and Family Services, upon request, for
50

2 any medical services paid by the department on behalf of a
3 Medicaid ~~or Maine Health Program~~ recipient to the extent that
4 those medical services are payable under the terms of the health
insurance policy.

6 **Sec. E-6. 22 MRSA §812, sub-§1, ¶G,** as enacted by PL 1989, c.
7 487, §11 and amended by PL 1995, c. 560, Pt. K, §82 and affected
8 by §83, is further amended to read:

10 G. Undergoing a comprehensive medical assessment by the
11 State Forensic Service. The court, in selecting the
12 examination site, shall consider proximity to the court,
13 availability of an examiner and the need to protect the
14 public health. No person may be presented for examination
15 under this subsection without arrangements for examination
16 having first been made by the court, clerk of the court or
17 the petitioner with the State Forensic Service. The opinion
18 of the State Forensic Service shall must be reported to the
court forthwith following the examination.

20 The court shall order the individual to be further examined
21 by a psychiatrist, neurologist and any additional expert if,
22 based on the report of the State Forensic Service, it
23 appears that:

26 (1) The individual suffers from a mental disease or
27 defect which that causes the individual to act in such
28 a manner as to endanger others with risk of infection
with a communicable disease; or

30 (2) Further observation or examination is required.

32 If, based on the examinations, the ~~Department of Mental~~
33 ~~Health, Mental Retardation and Substance Abuse Services~~
34 department determines that admission to an appropriate
35 institution for the mentally ill or mentally retarded is
36 necessary, it shall petition for involuntary hospitalization
37 pursuant to Title 34-B, chapter 3. If the District Court
38 orders the involuntary hospitalization of the individual
39 pursuant to Title 34-B, chapter 3, the petition brought
40 pursuant to section 811 shall must be dismissed without
41 prejudice. If it is determined that admission to an
42 appropriate institution for the mentally ill or the mentally
43 retarded is not necessary, the head of the institution where
44 the examinations have taken place shall notify the
45 commissioner or the commissioner's designee, prior to
46 discharging the respondent.

48 In no event may the period of examination pursuant to this
49 subsection exceed 60 days without further order by the
50

2 court, which may extend commitment for further observation
or examination for an additional 60 days, provided that the
4 court finds facts sufficient to show that the individual
suffers from a mental disease or defect which that causes
6 the individual to act in such a manner as to endanger others
with risk of infection with a communicable disease; and

8 **Sec. E-7. 22 MRSA §3472, sub-§5**, as amended by PL 1995, c.
696, Pt. A, §38, is further amended to read:

10

12 **5. Department.** "Department" means either the ~~Department of~~
~~Human Services Bureau of Long-term Care Services~~ or, in the case
of mentally retarded adults, the ~~Department of Mental Health,~~
14 ~~Division of Mental Retardation and Substance Abuse Services.~~

16 **Sec. E-8. 22 MRSA §3573**, as amended by PL 1989, c. 700, Pt.
A, §82 and amended by PL 1995, c. 560, Pt. K, §82 and affected by
18 §83, is further amended to read:

20 **§3573. Reporting**

22 The Department of Human Health and Family Services,
~~Department of Mental Health, Mental Retardation and Substance~~
24 ~~Abuse Services~~ and Department of Education shall by January of
each year submit a joint report to the joint standing committee
26 of the Legislature having jurisdiction over health and human
~~resources services~~ regarding the prevention activities conducted
28 over the past fiscal year, plans for the succeeding year and a
report on the incidence rate of births of developmentally
30 disabled children in the State.

32 **Sec. E-9. 22 MRSA §3739, sub-§2, ¶C**, as corrected by RR 1995,
c. 2, §42, is amended to read:

34

36 C. One employee of the ~~Department of Mental Health, Mental~~
~~Retardation and Substance Abuse Services, Bureau~~ Division of
Children with Special Needs, appointed by the ~~Commissioner~~
38 ~~of Mental Health, Mental Retardation and Substance Abuse~~
~~Services~~ commissioner;

40

42 **Sec. E-10. 22 MRSA §4004-A, sub-§3**, as enacted by PL 1993, c.
724, §1 and amended by PL 1995, c. 560, Pt. K, §82 and affected
by §83, is further amended to read:

44

46 **3. Additional parties.** The Department of Corrections, the
~~Department of Mental Health, Mental Retardation and Substance~~
~~Abuse Services,~~ the Department of Education, the Office Division
48 of Substance Abuse and any other appropriate state agency may be
additional parties to the agreement.

50

2 **Sec. E-11. 22 MRSA §4010-A, sub-§1**, as amended by PL 1989, c.
3 819, §1 and amended by PL 1995, c. 560, Pt. K, §82 and affected
4 by §83, is further amended to read:

5 **1. Policy development.** Every public or private agency or
6 program that is administered, licensed or funded by the
7 Department of Human Health and Family Services, ~~the Department of~~
8 ~~Mental Health, Mental Retardation and Substance Abuse Services~~ or
9 the Department of Corrections and hires staff or selects
10 volunteers and provides care or services for children shall
11 develop a written policy regarding child abuse and neglect.

12 The policy shall ~~shall~~ must include:

- 13 A. A description of how the program and children shall ~~be~~
14 are managed to prevent abuse or neglect;
- 15 B. The reporting of suspected abuse or neglect or other
16 violations to the appropriate designated authorities;
- 17 C. The agency's course of action if allegations of abuse or
18 neglect are made against the agency or its staff; and
- 19 D. The agency's grievance procedures for staff, and for
20 children and their parents or guardians regarding alleged
21 abuse or neglect.

22 **Sec. E-12. 22 MRSA §4088, sub-§1, ¶B**, as enacted by PL 1989,
23 c. 400, §9, is amended to read:

24 B. "Department" means the Department of Human Health and
25 Family Services.

26 **Sec. E-13. 22 MRSA §4088, sub-§1, ¶D**, as amended by PL 1989,
27 c. 700, Pt. A, §90 and amended by PL 1995, c. 560, Pt. K, §82 and
28 affected by §83, is further amended to read:

29 D. "Out-of-home abuse and neglect" means abuse and neglect
30 of a child ~~which~~ that occurs in a facility or by a person
31 subject to licensure or inspection by this department, the
32 Department of Education, and the Department of Corrections
33 ~~and the Department of Mental Health, Mental Retardation and~~
34 ~~Substance Abuse Services~~ or in a facility operated by these
35 departments.

36 **Sec. E-14. 22 MRSA §6202, sub-§5**, as amended by PL 1989, c.
37 878, Pt. B, §19, is further amended to read:

38 **5. Department.** "Department" means the Department of Human
39 Health and Family Services through its Bureau of ~~Elder and Adult~~
40 Long-term Care Services.

2 **Sec. E-15. 22 MRSA §7909, 2nd ¶**, as amended by PL 1981, c.
493, §2 and amended by PL 1995, c. 560, Pt. K, §82 and affected
4 by §83, is further amended to read:

6 Nothing in this section may be construed to mean that a
resident who is not a client of the Department of Human Health
8 and Family Services or ~~the Department of Mental Health, Mental~~
~~Retardation and Substance Abuse Services~~ shall may be required,
10 as a condition of admission, to provide records to the
12 administrator of the facility.

12 **Sec. E-16. Effective date.** This Part takes effect July 1, 1998.

14 **PART F**

16 **Sec. F-1. 34-B MRSA §1001, sub-§3**, as amended by PL 1995, c.
18 560, Pt. K, §9 and affected by §83, is further amended to read:

20 **3. Commissioner.** "Commissioner" means the Commissioner of
Mental Health, ~~Mental Retardation and Substance Abuse~~ Health and
22 Family Services or the commissioner's designee, except that when
the term "commissioner and only the commissioner" is used, the
24 term applies only to the person appointed Commissioner of Mental
Health, ~~Mental Retardation and Substance Abuse~~ Health and Family
26 Services and not to any designee.

28 **Sec. F-2. 34-B MRSA §1001, sub-§4**, as enacted by PL 1983, c.
459, §7 and amended by PL 1995, c. 560, Pt. K, §82 and affected
30 by §83, is further amended to read:

32 **4. Department.** "Department" means the Department of Mental
Health, ~~Mental Retardation and Substance Abuse~~ Health and Family
34 Services.

36 **Sec. F-3. 34-B MRSA §1201**, as corrected by RR 1995, c. 2,
§83, is repealed.

38 **Sec. F-4. 34-B MRSA §1202**, as corrected by RR 1995, c. 2,
40 §84, is repealed.

42 **Sec. F-5. 34-B MRSA §1204, first ¶**, as enacted by PL 1983, c.
459, §7, is amended to read:

44 In addition to other powers granted in this Title, the
46 commissioner has, in addition to the powers conferred by Titles
22 and 22-A, the following powers.

2 **Sec. F-6. 34-B MRSA §1204, sub-§2, ¶C**, as amended by PL 1995,
 c. 691, §3, is further amended to read:

4 C. The commissioner shall appoint the following officials
 to serve at the commissioner's pleasure:

- 6 ~~(1) --Associate-Commissioners;~~
- 8 (2) Superintendent, Augusta Mental Health Institute;
- 10 (3) Superintendent, Bangor Mental Health Institute;
- 12 ~~(4) --Superintendent, --Pineland-Center;~~
- 14 (5) Director, Mental Retardation Facility;
- 16 (6) Director, Elizabeth Levinson Center;
- 18 ~~(7) ---Assistant---to---the---Commissioner---for---Public~~
 20 ~~Information;~~
- 22 (8) Assistant ~~to-the-Commissioner~~ deputy commissioners;
- 24 (10) Regional Directors, who shall report directly to
 the commissioner; and
- 26 (11) Director, Offiie Division of Substance Abuse.

28 The Director of the Offiie Division of Substance Abuse must
 30 be reviewed by the joint standing committee of the
 32 Legislature having jurisdiction over health and human
resousee services matters prior to taking office.

34 **Sec. F-7. Effective date.** This Part takes effect July 1, 1998.

36 PART G

38 **Sec. G-1. 2 MRSA §6, sub-§1**, as amended by PL 1995, c. 560,
 Pt. K, §1 and affected by §83, is further amended to read:

40 1. **Range 91.** The salaries of the following state officials
 42 and employees are within salary range 91:

- 44 Commissioner of Transportation;
- 46 Commissioner of Conservation;
- 48 Commissioner of Administrative and Financial Services;

2 Commissioner of Education;
4 Commissioner of Environmental Protection;
6 ~~Commissioner of Human Services;~~
8 ~~Commissioner of Mental Health, Mental Retardation and
Substance Abuse Services;~~
10 Commissioner of Health and Human Services;
12 Commissioner of Public Safety;
14 Commissioner of Professional and Financial Regulation;
16 Commissioner of Labor;
18 Commissioner of Agriculture, Food and Rural Resources;
20 Commissioner of Inland Fisheries and Wildlife;
22 Commissioner of Marine Resources;
24 Commissioner of Corrections; and
26 Commissioner of Economic and Community Development.

28 **Sec. G-2. 5 MRSA §1642, sub-§1**, as repealed and replaced by PL
30 1985, c. 96 and amended by PL 1995, c. 560, Pt. K, §82 and
affected by §83, is further amended to read:

32 **1. Department.** "Department" means the Department of Human
34 Health and Family Services and ~~the Department of Mental Health,
Mental Retardation and Substance Abuse Services.~~

36 **Sec. G-3. 5 MRSA §1665, sub-§2**, as corrected by RR 1991, c. 2,
38 §9 and amended by PL 1995, c. 560, Pt. K, §82 and affected by
§83, is further amended to read:

40 **2. Inclusion in estimate.** In preparing budget estimates
42 pursuant to this section, ~~the Department of Human Services,~~ the
Department of Mental Health, Mental Retardation and Substance
44 Abuse and Family Services and the Department of Corrections shall
include in their proposed current services budget estimates:

46 A. The amount necessary to cover projected increases in
48 costs attributable to contracted social services that will
be continued at current levels, based on the United States
Consumer Price Index established by the United States
50 Department of Labor, Bureau of Labor Statistics; or

2 B. A statement identifying the specific services that will
4 be eliminated or reduced in the event that funds are not
6 budgeted to continue all contracted social services at
current levels. The statement must indicate which
categories of clients and geographic areas will be affected.

8 The analysis and statement required by this subsection must be
10 included in the state budget document pursuant to section 1664.

12 **Sec. G-4. 5 MRSA §19203, sub-§7**, as repealed and replaced by
14 PL 1987, c. 811, §3 and amended by PL 1995, c. 560, Pt. K, §82
and affected by §83, is further amended to read:

16 **7. Other agencies.** To employees of, or other persons
18 designated by, the Department of Corrections, ~~the Department of~~
~~Human Services~~ and the Department of Mental Health, ~~Mental~~
~~Retardation and Substance Abuse~~ and Family Services, to the
20 extent that those employees or other persons are responsible for
the treatment or care of subjects of the test. Those agencies
22 shall promulgate rules, within 90 days of the effective date of
this subsection, pursuant to the Maine Administrative Procedure
24 Act, chapter 375, subchapter II, designating the persons or
classes of persons to whom the test results may be disclosed;

26 **Sec. G-5. 5 MRSA §19203-B**, as enacted by PL 1987, c. 539, is
28 amended to read:

30 **§19203-B. Anonymous testing sites**

32 The Department of Human Health and Family Services may
designate or establish certification and approval standards for
34 and support anonymous testing sites where an individual may
request an HIV test under conditions which that ensure anonymity.

36 **Sec. G-6. 5 MRSA §19205**, as corrected by RR 1995, c. 1, §5,
38 is amended to read:

40 **§19205. Coordination of services to persons with HIV or AIDS**

42 **1. Policy; services.** It is the policy of the State to
provide to persons who test positive for HIV or have been
44 diagnosed as having AIDS the services of departments and
agencies, including, but not limited to, the Department of
46 Education, the Department of Mental Health, ~~Mental Retardation~~
~~and Substance Abuse~~ and Family Services, ~~the Department of Human~~
~~Services~~ and the Department of Corrections.

48

2 **2. Coordination of services.** A person designated by the
2 Commissioner of Human Health and Family Services shall ensure
4 coordination of new and existing services so as to meet the needs
4 of persons with HIV or AIDS and identify gaps in programs.

6 The committee established in section 12004-I, subsection 42,
6 shall work with the person designated in this chapter to ensure
8 the coordination of services to meet the needs of persons with
8 HIV or AIDS.

10

12 **3. Development of a client support services system.** A
12 client support services system shall must be developed to assist
14 individuals infected with the Human Immune Deficiency Virus and
14 to ensure that they receive necessary services. The client
16 support service, arranged by the staff of community-based
16 agencies, ~~shall--include~~ includes, but is not be limited to,
18 assisting the individual's needs and assisting the individual
18 with obtaining access to necessary health care, social service,
20 housing, transportation, counseling and income maintenance
20 services. The Department of Human Health and Family Services
22 ~~shall-be~~ is responsible for providing overall direction for the
22 development of the client support services system.

24 **Sec. G-7. Effective date.** This Part takes effect July 1, 1998.

26

SUMMARY

28 In Part A this bill establishes the Department of Health and
28 Family Services. The department assumes fully the duties of the
30 current Department of Human Services and Department of Mental
30 Health, Mental Retardation and Substance Abuse Services. The
32 department consists of 4 bureaus: the Bureau of Child and Family
32 Services, the Bureau of Health, the Bureau of Income Maintenance
34 and the Bureau of Long-term Care Services.

36 In Part B this bill transfers from the Department of Human
36 Services and the Department of Mental Health, Mental Retardation
38 and Substance Abuse Services to the Department of Health and
38 Family Services all of the expenditures, assets, liabilities,
40 appropriations and allocations, rules, contracts and agreements,
40 records, property and employees of those 2 departments. It
42 directs the Revisor of Statutes to make any statutory corrections
42 necessary for consistency of the statutes.

44

46 In Part C this bill directs transitional activities
46 concerning the budget and the functions of the departments
48 involved. It directs the Joint Standing Committee on Health and
48 Human Services to submit legislation needed to correct errors and
48 inconsistencies.

2 In Part D this bill amends the Maine Revised Statutes, Title
5 as required to establish the new department.

4
6 In Part E this bill amends the Maine Revised Statutes, Title
22 as required to transfer functions from the Department of Human
Services to the Department of Health and Family Services.

8
10 In Part F this bill amends the Maine Revised Statutes, Title
34-B as required to transfer functions from the Department of
Mental Health, Mental Retardation and Substance Abuse Services to
12 the Department of Health and Family Services.

14 In Part G this bill amends the Maine Revised Statutes, Title
2 as required to establish the Department of Health and Family
16 Services and corrects cross-references in Title 5.