

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 1431

H.P. 1068

House of Representatives, March 5, 2001

**Resolve, to Establish a Commission to Examine Methods to Ensure the  
Safety of Children and Families.**

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

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative MENDROS of Lewiston.  
Cosponsored by Senator SAWYER of Penobscot and  
Representatives: CRESSEY of Baldwin, DUDLEY of Portland, MADORE of Augusta,  
O'NEIL of Saco, SHERMAN of Hodgdon, SHIELDS of Auburn, SNOWE-MELLO of  
Poland, Senator: FERGUSON of Oxford.

2           **Sec. 1. Commission to Examine Methods to Ensure the Safety of**  
3 **Children and Families established. Resolved:** That the Commission to  
4 Examine Methods to Ensure the Safety of Children and Families,  
5 referred to in this resolve as the "commission," is established;  
6 and be it further

7           **Sec. 2. Commission membership. Resolved:** That the commission  
8 consists of the following 11 members:

9           1. Two members of the Senate, appointed by the President of  
10 the Senate;

11           2. Two members from the House of Representatives, appointed  
12 by the Speaker of the House;

13           3. One Department of Human Services caseworker, appointed  
14 by the Commissioner of Human Services;

15           4. One attorney who represents parents in Department of  
16 Human Services child protective matters, appointed by the Speaker  
17 of the House;

18           5. One parent who contested a Department of Human Services  
19 child protection court action to remove a child of the parent and  
20 who won in court and regained custody of the child, appointed by  
21 the President of the Senate;

22           6. One parent who contested a Department of Human Services  
23 child protection action to remove a child of the parent and who  
24 regained custody of the child without a court action, appointed  
25 by the Speaker of the House;

26           7. One counselor of parents in a matter in which a child  
27 was reunified with the parents, appointed by the President of the  
28 Senate;

29           8. One advocate for children, appointed by the Speaker of  
30 the House; and

31           9. The Commissioner of Human Services or the commissioner's  
32 designee; and be it further

33           **Sec. 3. Chairs. Resolved:** That the first named Senate member  
34 is the Senate chair of the commission and the first named House  
35 of Representatives member is the House chair of the commission;  
36 and be it further

37           **Sec. 4. Appointments; meetings. Resolved:** That all  
38 appointments must be made no later than 30 days following the  
39 effective date of this resolve. The Executive Director of the  
40 Legislative Council

2 must be notified by all appointing authorities once the  
3 selections have been made. When the appointment of all members  
4 has been completed, the chairs of the commission shall call and  
5 convene the first meeting of the commission no later than 30 days  
6 after all members have been appointed; and be it further

7 **Sec. 5. Duties. Resolved:** That the commission shall study ways  
8 to properly protect children in the State from harm and to  
9 consider alleged abuses by the Department of Human Services. In  
10 conducting the study the commission may:

11 1. Hold informational sessions for discussions with  
12 knowledgeable persons;

13 2. Conduct, summarize and analyze the results of a  
14 literature search;

15 3. Conduct, tabulate and analyze the results of a survey of  
16 the public or affected persons and groups;

17 4. Procure and analyze relevant data;

18 5. Conduct legal research and prepare opinions on legal  
19 questions within the scope of the study; and

20 6. Determine and summarize the legislative actions or  
21 governmental programs undertaken in other jurisdictions related  
22 to issues within the scope of the study; and be it further

23 **Sec. 6. Staff assistance. Resolved:** That the Department of Human  
24 Services shall provide necessary staffing services to the  
25 commission; and be it further

26 **Sec. 7. Compensation. Resolved:** That the members of the  
27 commission who are Legislators are entitled to receive the  
28 legislative per diem, as defined in the Maine Revised Statutes,  
29 Title 3, section 2, and reimbursement for necessary expenses  
30 incurred for their attendance at authorized meetings of the  
31 commission. Other members of the commission who are not  
32 otherwise compensated by their employers or other entities that  
33 they represent are entitled to receive reimbursement of necessary  
34 expenses incurred for their attendance at authorized meetings;  
35 and be it further

36 **Sec. 8. Report. Resolved:** That the commission shall submit  
37 its report, together with any necessary implementing legislation,  
38 to the First Regular Session of the 121st Legislature no later  
39 than January 1, 2003. If the commission requires a limited  
40 extension of time to conclude its work, it may apply to the  
41 Legislative Council, which may grant the extension; and be it  
42 further

2           **Sec. 9. Budget. Resolved:** That the chairs of the commission  
with assistance from the commission staff shall administer the  
4 commission's budget. Within 10 days after its first meeting, the  
commission shall present a work plan and proposed budget to the  
6 Legislative Council for approval. The commission may not incur  
expenses that would result in the commission's exceeding its  
8 approved budget. Upon request from the commission, the Executive  
Director of the Legislative Council shall promptly provide the  
10 commission chairs and staff with a status report on the  
commission's budget, expenditures incurred and paid and available  
12 funds.

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### SUMMARY

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This resolve establishes the Commission to Examine Methods  
18 to Ensure the Safety of Children and Families to study ways to  
properly protect children in the State from harm and to consider  
20 alleged abuses by the Department of Human Services.