

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

CORRECTED COPY

A  
H.P.S.  
2

L.D. 1913

DATE: 4-12-04

(Filing No. H-890)

4  
6  
8  
10  
12  
14  
16  
18  
20  
22  
24  
26  
28  
30  
32  
34  
36  
38  
40  
42  
44  
46  
48

**HEALTH AND HUMAN SERVICES**

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
121ST LEGISLATURE  
SECOND SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1414, L.D. 1913, Bill, "An Act To Establish the Department of Health and Human Services"

Amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

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

**Whereas,** the establishment of the new Department of Health and Human Services on July 1, 2004 is necessary for the orderly transition of the Department of Human Services and the Department of Behavioral and Developmental Services to the new department; 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 necessary for the preservation of the public peace, health and safety; now, therefore,

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

**PART A**

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

**TITLE 22-A**

**COMMITTEE AMENDMENT**

HEALTH AND HUMAN SERVICES

SUBTITLE 1

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CHAPTER 1

DEPARTMENTAL ORGANIZATION AND OPERATION

SUBCHAPTER 1

GENERAL PROVISIONS

§101. Definitions

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

1. Commissioner. "Commissioner" means the Commissioner of Health and Human Services.

2. Department. "Department" means the Department of Health and Human Services.

3. Seal. The department has an official seal which must be judicially noticed.

SUBCHAPTER 2

ORGANIZATION

§201. Department established

1. Establishment. The Department of Health and Human Services is established as a cabinet-level department.

2. Bureau and divisions. The department consists of the bureaus and divisions necessary to carry out the work of the department.

§202. Mission; guiding principles

1. Mission. The mission of the department is to provide health and human services to the people of Maine so that all persons may achieve and maintain their optimal level of health and their full potential for economic independence and personal development. Within available funds, the department shall provide supportive, preventive, protective, public health and intervention services to children, families and adults, including

2 the elderly and adults with disabilities. The department shall  
3 endeavor to assist individuals in meeting their needs and  
4 families in providing for the developmental, health and safety  
5 needs of their children, while respecting the rights and  
6 preferences of the individual or family.

7 2. Guiding principles. The following principles are adopted  
8 to guide the department. In the performance of its duties, the  
9 department shall strive to:

10 A. Improve the health and well-being of Maine residents,  
11 with this goal guiding all decisions, programs and services  
12 of the department;

13 B. Treat consumers with respect and dignity;

14 C. Treat service providers with professionalism and  
15 collegiality;

16 D. Value and support department staff as the critical  
17 connection to the consumer;

18 E. Involve consumers, providers, advocates and staff in  
19 long-term planning;

20 F. Use relevant, meaningful data and objective analyses of  
21 population-based needs in program planning, decision making  
22 and quality assurance; and

23 G. Deliver services that are individualized,  
24 family-centered, easily accessible, preventive,  
25 independence-oriented, interdisciplinary, collaborative,  
26 evidence-based and consistent with best practices.

27 **§203. Programs and services of department**

28 The department shall, as appropriate to the individual and  
29 family and as permitted by the availability of funds, provide  
30 programs and services as specified in this section and otherwise  
31 by law.

32 1. Programs and services for adults, children and  
33 families. The department shall provide adults, children and  
34 families with the following programs and services:

35 A. Economic assistance and employment support services;

36 B. Mental health and behavioral health services;

37 C. Mental retardation and developmental disability services;

- 2           D. Physical health services;
- 4           E. Public health services; and
- 6           F. Substance abuse prevention and treatment services.
- 8           2. Additional programs and services for children and  
10 families. The department shall provide children and families  
12 with additional programs and services to assist them in meeting  
14 their needs, including, but not limited to:
- 14           A. Child welfare services;
- 16           B. Head Start and child care services;
- 18           C. Maternal and child health services, including home  
20 visiting programs;
- 22           D. Paternity establishment and child support enforcement  
24 services; and
- 26           E. Residential and long-term care services for children with  
28 disabilities.
- 30           3. Additional programs and services for adults. The  
32 department shall provide adults, including the elderly and  
34 persons with disabilities, with additional programs and services  
36 to assist them in meeting their needs, including, but not limited  
38 to:
- 40           A. Adult protective services; and
- 42           B. Long-term care services for the elderly and adults with  
44 disabilities.
- 46           4. Delivery of programs and services. The department shall  
48 deliver programs and services through a coordinated and efficient  
administrative structure and an integrated delivery system that  
focuses on meeting the needs of individuals and families. The  
department shall use a combination of public personnel and  
contracts with private agencies to deliver programs and services.
- 44           §204. Commissioner
- 46           The department is under the control and supervision of the  
48 Commissioner of Health and Human Services, who reports directly  
to the Governor.

2 1. Appointment. The Governor shall appoint the  
3 commissioner, subject to review by the joint standing committee  
4 of the Legislature having jurisdiction over health and human  
5 services matters and confirmation by the Senate. The  
6 commissioner serves at the pleasure of the Governor.

7 2. Vacancy; deputy commissioner. A vacancy in the office  
8 of the commissioner must be filled as follows.

10 A. Any vacancy of the commissioner's position must be  
11 filled in accordance with Title 5, section 1.

12 B. The commissioner shall appoint one of the department's  
13 deputy commissioners to perform the duties of the  
14 commissioner, in addition to the duties of that deputy  
15 commissioner, during the commissioner's temporary absence or  
16 disability.

17 **§205. Powers and duties of commissioner**

18 The commissioner has all of the powers and duties necessary  
19 to carry out the mission and responsibilities of the department.

20 1. Administration. The commissioner shall administer the  
21 department in accordance with the requirements of this Title and  
22 shall fulfill the duties prescribed to the commissioner by state  
23 and federal law.

24 2. Rulemaking. The commissioner shall adopt rules to  
25 implement this Title. Rules adopted pursuant to this subsection  
26 are routine technical rules, as defined in Title 5, chapter 375,  
27 subchapter 2-A, unless otherwise specified.

28 3. Employees. The commissioner may employ personnel as  
29 necessary to carry out the work of the department. All personnel  
30 of the department are under the immediate supervision, direction  
31 and control of the commissioner. Department personnel must be  
32 employed subject to the Civil Service Law, except for deputy  
33 commissioners, associate commissioners, assistant deputy  
34 commissioners, bureau directors, the director of legal affairs,  
35 regional directors, the director of Bangor Mental Health  
36 Institute and the director of Riverview Psychiatric Center.

37 4. Appointments. The commissioner may appoint deputy  
38 commissioners, associate commissioners, assistant deputy  
39 commissioners, bureau directors, the director of legal affairs,  
40 regional directors, the director of Bangor Mental Health  
41 Institute and the director of Riverview Psychiatric Center, who  
42 serve at the pleasure of the commissioner. These positions are  
43 unclassified, major policy-influencing positions as specified in  
44

2 Title 5, sections 931 and 946-A. A bureau director appointed  
4 pursuant to this subsection must have educational qualifications  
4 and professional experience directly related to the functions of  
4 and services provided by the bureau.

6 **Sec. A-2. Quarterly report; rulemaking.** Beginning October 1,  
8 2004, the Commissioner of Health and Human Services shall provide  
8 the joint standing committee of the Legislature having  
10 jurisdiction over health and human services matters with a  
10 quarterly report that summarizes rule-making activity of the  
12 Department of Health and Human Services.

14 **Sec. A-3. Bureau structure; restriction.** The Commissioner of  
14 Health and Human Services may not establish a bureau structure  
16 for the new department until that structure has been approved by  
16 the 122nd Legislature.

18 **PART B**

20 **Sec. B-1. Transition.** Notwithstanding the Maine Revised  
22 Statutes, Title 22 and Title 34-B, the following provisions apply  
24 to the reassignment of the duties and responsibilities of the  
24 Department of Human Services and the Department of Behavioral and  
26 Developmental Services to the Department of Health and Human  
26 Services.

28 1. The Department of Human Services and the Department of  
30 Behavioral and Developmental Services as heretofore created and  
30 established by law are incorporated into the Department of Health  
32 and Human Services. All references to, responsibilities of and  
32 authority conferred upon the Department of Human Services and the  
34 Department of Behavioral and Developmental Services, and those  
34 departments' predecessors, throughout the Maine Revised Statutes  
36 are deemed to refer to and vest in the Department of Health and  
36 Human Services created by this Act, as the successor department.  
38 The Department of Health and Human Services is the successor in  
38 every way to the powers, duties and functions as assigned in the  
40 Maine Revised Statutes, Title 22 to the Department of Human  
40 Services and Title 34-B to the Department of Behavioral and  
42 Developmental Services, as they pertain to services provided to  
42 adults, children and families under this Act.

44 2. Notwithstanding the provisions of the Maine Revised  
46 Statutes, Title 5, all accrued expenditures, assets, liabilities,  
46 balances of appropriations, allocations, transfers, revenues or  
48 other available funds in an account or subdivision of an account  
48 of the Department of Human Services and the Department of  
50 Behavioral and Developmental Services that pertain to the duties  
50 of the Department of Health and Human Services as set forth in

COMMITTEE AMENDMENT "A" to H.P. 1414, L.D. 1913

1 this Act must be transferred to the proper accounts of the  
2 Department of Health and Human Services by the State Controller  
4 or by financial order upon the request of 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 Behavioral and Developmental Services, as they  
8 pertain to the duties of the Department of Health and Human  
Services as set forth in this Act, that are in effect on the  
10 effective date of this Act remain in effect until rescinded,  
revised or amended.

12 4. All contracts, agreements and compacts of the Department  
14 of Human Services and the Department of Behavioral and  
Developmental Services, as they pertain to the duties set forth  
16 in this Act, that are in effect on the effective date of this Act  
remain in effect until they expire or are altered by the parties  
18 involved in the contracts or agreements. The Department of  
Health and Human Services is the successor agency for all federal  
20 block grants and programs administered under the United States  
Social Security Act, as amended, and any other federal programs,  
22 grants and contracts.

24 5. All records of the Department of Human Services and the  
Department of Behavioral and Developmental Services, as they  
26 pertain to the duties set forth in this Act, must be transferred  
to the Department of Health and Human Services as necessary to  
28 implement this Act.

30 6. All property and equipment of any bureau, division or  
program of the Department of Human Services and the Department of  
32 Behavioral and Developmental Services pertaining to the duties  
set forth in this Act are transferred to the Department of Health  
34 and Human Services as necessary to implement this Act.

36 7. Notwithstanding the Maine Revised Statutes, Title 22-A,  
section 204 or any other provision of law, upon the effective  
38 date of this Act, the individual holding the position of  
Commissioner of Human Services becomes the Commissioner of Health  
40 and Human Services without the need of appointment or  
confirmation. The Commissioner of Health and Human Services  
42 shall assume and is vested with all of the duties and powers of  
that office, as well as the duties and powers of the office of  
44 the Commissioner of Human Services and the office of the  
Commissioner of Behavioral and Developmental Services. This  
46 provision is intended to change the procedure for appointment and  
confirmation of the first Commissioner of Health and Human  
48 Services.



COMMITTEE AMENDMENT "A" to H.P. 1414, L.D. 1913

2 8. Employees of the Department of Health and Human Services  
3 who were employees of the Department of Human Services and the  
4 Department of Behavioral and Developmental Services immediately  
5 prior to the effective date of this Act retain all their employee  
6 rights, privileges and benefits, including sick leave, vacation  
7 and seniority, provided under the Civil Service Law or collective  
8 bargaining agreements. The Department of Administrative and  
9 Financial Services, Bureau of Human Resources shall provide  
10 assistance to the affected departments and shall assist with the  
11 orderly implementation of this subsection.

12 9. The Commissioner of Health and Human Services shall  
13 consolidate the following functions of the Department of Human  
14 Services and the Department of Behavioral and Developmental  
15 Services:

16 A. Administrative components that provide for, without  
17 limitation, the following functions: internal auditing;  
18 external auditing; financial management; human resources;  
19 information technology and data collection and management;  
20 facilities management; contracting; licensing; permitting  
21 and inspecting; training; administrative appeals;  
22 communications and legislative relations; rate setting; and  
23 rulemaking; and

24 B. Adult protective functions.

25 10. By January 31, 2005, the Commissioner of Health and  
26 Human Services shall submit a report, including recommendations  
27 and any necessary legislation, to the Governor and the joint  
28 standing committee of the Legislature having jurisdiction over  
29 health and human services matters regarding the establishment and  
30 implementation of the Department of Health and Human Services.  
31 The report must include recommendations on the following issues:

32 A. Bureau structure, including the number, title and  
33 functions of bureaus and divisions within bureaus. In the  
34 development of recommendations regarding the bureau  
35 structure, the commissioner shall consider:

36 (1) The unique needs of special populations,  
37 including, but not limited to, children, the elderly,  
38 persons with mental health needs, persons with mental  
39 retardation or developmental disabilities and persons  
40 affected by substance abuse; and

41 (2) The possible integration of the functions of the  
42 Department of Human Services, Bureau of Family  
43 Independence into a new bureau of children and families;  
44

45 50

COMMITTEE AMENDMENT "A" to H.P. 1414, L.D. 1913

- 2           B. Administrative structure and functions, including:
- 4           (1) Planning and quality assurance;
- 6           (2) Staff training and professional development;
- 8           (3) Regional structure and administrative functions;  
and
- 10          (4) The employment status of division directors;
- 12          C. Program and service delivery functions, including:
- 14          (1) A seamless system of care at the local level;
- 16          (2) Information and referral, intake and case  
management services;
- 18          (3) Guardianship and conservatorship services;
- 20          (4) Resolution of consumer, provider and public  
inquiries and complaints;
- 22          (5) Advocacy services; and
- 24          (6) Long-term care ombuds services;
- 26          D. Advisory boards, including:
- 28          (1) Integration and consolidation of existing advisory  
boards, councils and commissions that serve the  
Department of Human Services and the Department of  
Behavioral and Developmental Services; and
- 30          (2) Opportunities to ensure that advisory bodies to  
the new department operate efficiently and effectively;  
and
- 32          E. The child welfare ombudsman program established as an  
independent program within the Executive Department under  
the Maine Revised Statutes, Title 22, section 4087-A. In  
developing recommendations regarding this program, the  
commissioner shall consider:
- 34          (1) Program independence and structure; and
- 36          (2) The 2003 annual report of the ombudsman submitted  
pursuant to Title 22, section 4087-A, subsection 10.
- 38
- 40
- 42
- 44
- 46
- 48

2 Following receipt and review of the report, the joint standing  
committee of the Legislature having jurisdiction over health and  
4 human services matters may report out legislation to the 122nd  
Legislature.

6 11. The Commissioner of Health and Human Services shall  
work with the Commissioner of Education and the Commissioner of  
8 Corrections to review the delivery of child development services  
and juvenile justice services. By January 31, 2006, the  
10 Commissioner of Health and Human Services shall submit a report  
including recommendations and any necessary legislation to the  
12 Governor and the joint standing committee of the Legislature  
having jurisdiction over health and human services matters.  
14 Following receipt and review of the report, the committee may  
report out legislation to the Second Regular Session of the 122nd  
16 Legislature.

18 **Sec. B-2. Conflicts and inconsistencies.** If the Commissioner of  
Health and Human Services finds a conflict or inconsistency  
20 between provisions in the Maine Revised Statutes, Title 22 and  
Title 34-B or rules adopted under those titles, the commissioner  
22 shall attempt to resolve that conflict or inconsistency by  
interpreting the laws or rules together to give effect to the  
24 intent of the Legislature or agency, as the case may be. If the  
commissioner determines rulemaking is required to resolve a  
26 conflict or inconsistency, the commissioner may adopt rules as  
authorized under Title 22-A, section 205, subsection 2. In  
28 adopting rules under this section, the commissioner has sole  
discretion to determine whether an emergency exists. The  
30 commissioner shall notify the members of the joint standing  
committee of the Legislature having jurisdiction over health and  
32 human services matters prior to adopting any emergency rule under  
this section.

34 **Sec. B-3. Legislation; schedule.** The Commissioner of Health and  
36 Human Services, and designees selected by the commissioner, shall  
work with the joint standing committee of the Legislature having  
38 jurisdiction over health and human services matters and staff  
from the Office of Policy and Legal Analysis and the Office of  
40 the Revisor of Statutes to review those parts of the Maine  
Revised Statutes governing the Department of Health and Human  
42 Services, including but not limited to Titles 22, 22-A and 34-B.  
The purpose of the review is to develop legislation to  
44 consolidate existing law into Title 22-A, to update Title 22-A  
and to correct any errors and inconsistencies in law that result  
46 from this Act. By November 30, 2005 the commissioner and the  
committee shall agree on the format and organization of Title  
48 22-A. By November 30, 2006 the commissioner shall submit the  
legislation developed pursuant to this section to the First  
50 Regular Session of the 123rd Legislature.

2           **Sec. B-4. Interim meetings; authorized.** The joint standing  
4 committee of the Legislature having jurisdiction over health and  
6 human services matters is authorized to meet as needed, but at  
8 least 3 times, during the 2004 legislative interim to carry out  
10 its responsibilities to oversee planning, service delivery and  
12 implementation issues related to the establishment of the  
14 Department of Health and Human Services. At these meetings, the  
Commissioner of Health and Human Services shall brief the  
committee on planning issues, progress, challenges and the time  
line for implementation. The committee shall provide  
opportunities for consumers, providers and advocates to speak to  
the committee. The committee may submit legislation to the First  
Regular Session of the 122nd Legislature based on these meetings.

16           **Sec. B-5. Working groups.** During the period from July 2004  
18 through December 2005, the Commissioner of Health and Human  
20 Services shall convene advisory working groups to consider  
22 planning, service delivery and implementation issues related to  
24 the establishment of the Department of Health and Human  
Services. The working groups shall review the issues identified  
in Part B, section 1, subsection 10. The working groups must  
include broad representation from consumers, providers, advocates  
and members of the public.

26           **Sec. B-6. Maine Revised Statutes amended; revision clause.**  
28 Wherever in the Maine Revised Statutes the words "Department of  
30 Human Services" or "Department of Behavioral and Developmental  
32 Services" appear or reference is made to either of those  
34 departments with reference to the duties transferred to the  
Department of Health and Human Services as set forth in this Act,  
they are amended to read or mean, as the case may be, "Department  
of Health and Human Services." The Revisor of Statutes shall  
implement this revision when updating, publishing or republishing  
statutes.

36           **Sec. B-7. Maine Revised Statutes amended; revision clause.**  
38 Wherever in the Maine Revised Statutes the words "Commissioner of  
40 Human Services" or "Commissioner of Behavioral and Developmental  
42 Services" appear or reference is made to either of these  
44 positions with reference to the duties transferred to the  
46 Commissioner of Health and Human Services as set forth in this  
Act, they are amended to read or mean, as the case may be,  
"Commissioner of Health and Human Services." The Revisor of  
Statutes shall implement this revision when updating, publishing  
or republishing the statutes.

48           **Sec. B-8. Budget.** The Department of Administrative and  
50 Financial Services, Bureau of Budget shall work with the  
employees of the Department of Human Services and the Department

2 of Behavioral and Developmental Services with regard to the  
duties transferred to the Department of Health and Human Services  
4 as set forth in this Act to develop the budget for the Department  
of Health and Human Services.

6 **Sec. B-9. Federal approval.** If the Commissioner of Health and  
Human Services determines that federal approval will not be  
8 obtained for any part of this Act that requires federal approval,  
the commissioner shall notify the joint standing committee of the  
10 Legislature having jurisdiction over health and human services  
matters, the joint standing committee of the Legislature having  
12 jurisdiction over appropriations and financial affairs and the  
Executive Director of the Legislative Council.

14

16

### PART C

18

**Sec. C-1. 2 MRSA §6, sub-§1,** as amended by PL 2003, c. 469,  
Pt. A, §1, is further amended to read:

20

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

24

Commissioner of Transportation;

26

Commissioner of Conservation;

28

Commissioner of Administrative and Financial Services;

30

Commissioner of Education;

32

Commissioner of Environmental Protection;

34

Executive Director of Dirigo Health;

36

~~Commissioner of Human Services;~~

38

~~Commissioner of Behavioral and Developmental Services;~~

40

Commissioner of Public Safety;

42

Commissioner of Professional and Financial Regulation;

44

Commissioner of Labor;

46

Commissioner of Agriculture, Food and Rural Resources;

48

Commissioner of Inland Fisheries and Wildlife;

50

Commissioner of Marine Resources;

2 Commissioner of Corrections;  
4 Commissioner of Economic and Community Development; and  
6 Commissioner of Defense, Veterans and Emergency Management.

8 **Sec. C-2. 2 MRSA §6, sub-§1-A** is enacted to read:

10 1-A. Range 58. The salaries of the following state  
12 officials and employees are within salary range 58:

14 Commissioner of Health and Human Services.

16 **Sec. C-3. 2 MRSA §6, sub-§2**, as amended by PL 2001, c. 708,  
§1, is further amended to read:

18 **2. Range 90.** The salaries of the following state officials  
and employees are within salary range 90:

20 Superintendent of Financial Institutions;

22 State Tax Assessor;

24 Superintendent of Insurance;

26 Executive Director of the Maine Consumer Choice Health Plan;

28 Associate Commissioner for Programs, Department of  
30 Behavioral and Developmental Services;

32 Associate Commissioner of Administration, Department of  
Behavioral and Developmental Services;

34 Associate Commissioner for Systems Operations, Department of  
36 Behavioral and Developmental Services;

38 Deputy Commissioner, Department of Administrative and  
Financial Services;

40 Associate Commissioner for Adult Services, Department of  
42 Corrections;

44 Associate Commissioner for Juvenile Services, Department of  
Corrections;

46 Public Advocate;

48 Director, Bureau of Medical Services, Department of Human  
50 Services;

2 Chief Information Officer; and

4 Associate Commissioner for Legislative and Program Services,  
Department of Corrections.

6 Sec. C-4. 5 MRSA §940, as amended by PL 1995, c. 560, Pt. J,  
8 §1, is repealed.

10 Sec. C-5. 5 MRSA §946, as amended by PL 2001, c. 439, Pt. J,  
12 §§1 to 3, is repealed.

14 Sec. C-6. 5 MRSA §946-A is enacted to read:

16 **§946-A. Department of Health and Human Services**

18 **1. Major policy-influencing positions.** The following  
positions are major policy-influencing positions within the  
Department of Health and Human Services. Notwithstanding any  
20 other provisions of law, these positions and their successor  
positions are subject to this chapter;

22 **A. Deputy commissioners;**

24 **B. Associate commissioners;**

26 **C. Bureau directors and division directors;**

28 **D. Assistant deputy commissioners;**

30 **E. Regional directors;**

32 **F. Directors of Bangor Mental Health Institute and**  
34 **Riverview Psychiatric Center; and**

36 **G. Director of legal affairs.**

38 **Emergency clause.** In view of the emergency cited in the  
preamble, this Act takes effect July 1, 2004.'

40

42 **SUMMARY**

44 This amendment replaces the bill. Consistent with the bill,  
the amendment reorganizes the delivery of services to adults,  
46 children and families by the Department of Human Services and the  
Department of Behavioral and Developmental Services through the  
48 establishment of the new Department of Health and Human  
Services. The amendment does the following.

50

R. 418

COMMITTEE AMENDMENT "A" to H.P. 1414, L.D. 1913

- 2 1. It adds an emergency preamble and an emergency clause  
that provide for an effective date of July 1, 2004.
  
- 4 2. It retains the provisions of the bill that establish the  
6 new Department of Health and Human Services; clarifies the  
mission of the department and the programs and services provided  
8 by the department; and adds guiding principles for the  
10 department, drawing those principles from the "Report of the  
Advisory Council for the Reorganization and Unification of the  
12 Department of Human Services and the Department of Behavioral and  
Developmental Services."
  
- 14 3. It removes the provisions of the bill that designate  
16 division directors as unclassified, major policy-influencing  
positions and sets forth qualification requirements for bureau  
directors.
  
- 18 4. It removes the provision of the bill that establishes a  
20 permanent Health and Human Services Advisory Board to advise the  
Commissioner of Health and Human Services and instead requires  
22 the establishment of working groups to advise the commissioner on  
planning and implementation issues through December 2005.
  
- 24 5. It retains the provisions of the bill that provide for  
26 orderly transition from the Department of Human Services and the  
Department of Behavioral and Developmental Services to the new  
28 Department of Health and Human Services.
  
- 30 6. It removes the provision of the bill that establishes  
32 the bureau structure of the Department of Health and Human  
Services and adds a provision that delays the adoption of a  
bureau structure until one is approved by the Legislature.
  
- 34 7. It retains the provision of the bill that transfers the  
36 Commissioner of Human Services to the position of Commissioner of  
Health and Human Services without need of appointment or  
38 confirmation and adds a statement of legislative intent to this  
provision.
  
- 40 8. It clarifies the provision of the bill regarding the  
42 rights of employees of the new department who were employees of  
the Department of Human Services and the Department of Behavioral  
and Developmental Services.
  
- 44 9. It retains the provision of the bill that requires the  
46 commissioner to consolidate certain administrative components of  
the Department of Health and Human Services, including auditing,  
48 financial management, human resources and information technology.

# COMMITTEE AMENDMENT



COMMITTEE AMENDMENT "A" to H.P. 1414, L.D. 1913

2 10. It retains the requirement that the Commissioner of  
4 Health and Human Services consolidate adult protective functions,  
functions.

6 11. It clarifies the provision of the bill that requires  
8 the Commissioner of Health and Human Services to submit a report  
10 with recommendations and legislation by January 31, 2005 to the  
12 joint standing committee of the Legislature having jurisdiction  
14 over health and human services matters. The amendment requires  
16 the report to include recommendations on the following issues  
18 related to the establishment and implementation of the new  
20 department: bureau structure, administrative structure and  
functions, program and service delivery functions, advisory  
boards and the child welfare ombudsman program. The amendment  
also requires the commissioner to convene working groups of  
consumers, providers, advocates and members of the public to  
advise the commissioner on these issues. The amendment authorizes  
the committee to report out legislation to the 122nd Legislature  
following review of the commissioner's report and recommendations.

22 12. It retains the provision of the bill that requires the  
24 Commissioner of Health and Human Services to review and report on  
26 the delivery of child development services and juvenile justice  
services.

28 13. It clarifies the provisions of the bill regarding the  
30 interpretation of conflicting laws and rules by the Commissioner  
of Health and Human Services and adoption of rules to settle  
those conflicts.

32 14. It clarifies the provision of the bill that requires the  
34 joint standing committee of the Legislature having jurisdiction  
36 over health and human services matters and the Commissioner of  
Health and Human Services to agree on a format and organization  
38 of the Maine Revised Statutes, Title 22-A by November 30, 2005  
and submit necessary legislation by November 30, 2006.

40 15. It adds a provision that authorizes the joint standing  
42 committee of the Legislature having jurisdiction over health and  
44 human services matters to meet at least 3 times during the 2004  
legislative interim to review planning and implementation issues  
and authorizes the committee to report out legislation to the  
First Regular Session of the 122nd Legislature.

46 16. It retains the provisions of the bill that establish the  
salary range for the Commissioner of Health and Human Services

**COMMITTEE AMENDMENT**

COMMITTEE AMENDMENT "A" to H.P. 1414, L.D. 1913

2 and the Director of the Bureau of Medical Services within the  
Department of Human Services.

4

**FISCAL NOTE REQUIRED**  
(See attached)

6

**COMMITTEE AMENDMENT**



**121st Maine Legislature  
Office of Fiscal and Program Review**

**LD 1913**

**An Act to Establish the Department of Health and Human Services**

**LR 2740(02)**

**Fiscal Note for Bill as Amended by Committee Amendment " "**

**Committee: Health and Human Services**

**Fiscal Note Required: Yes**

---

---

**Fiscal Note**

Current Costs - Legislative Study

Undetermined current biennium savings - General Fund

Undetermined current biennium cost increase - General Fund

**Legislative Study**

The projected costs for the Health and Human Services committee to meet four times to oversee planning, service delivery and implementation of issues as well as to review the statutes governing the new department is \$5,460 in fiscal year 2004-05. The Legislature has budgeted \$20,000 in fiscal year 2004-05 for legislative studies. Whether the amounts are sufficient to fund all studies will depend on the number of studies authorized by the Legislative Council and the Legislature.

**Fiscal Detail and Notes**

PL 2003, c. 20, included a statewide deappropriation of \$5,800,000 in state fiscal year 2004-05 associated with the merger of the two departments. The bill does not include sufficient information to evaluate and determine if these savings can be achieved in the current biennium.