

# MAINE STATE LEGISLATURE

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L.D. 1642

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HEALTH AND HUMAN SERVICES

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STATE OF MAINE  
SENATE  
122ND LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 608, L.D. 1642, Bill, "An Act To Further the Transition to the New Department of Health and Human Services"

Amend the bill by inserting after section 2 the following:

'Sec. 3. 2 MRSA §6, sub-§11 is enacted to read:

11. Range 38. The salaries of the following state officials and employees are within salary range 38:

A. Deputy Commissioner of Finance, Department of Health and Human Services; and

B. Deputy Commissioner of Operations and Support, Department of Health and Human Services.'

Further amend the bill in section 3 in subsection 1 by striking out all of paragraph A (page 2, line 43 in L.D.) and inserting in its place the following:

'A. Deputy--commissioners; The 4 deputy commissioner positions:

(1) The Deputy Commissioner of Integrated Services;

(2) The Deputy Commissioner of Health, Integrated Access and Strategy;

(3) The Deputy Commissioner of Finance; and

(4) The Deputy Commissioner of Operations and Support;'

COMMITTEE AMENDMENT

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2 Further amend the bill by inserting after section 4 the  
following:

4 'Sec. 5. 22-A MRSA §205, sub-§§3 and 4, as enacted by PL 2003,  
6 c. 689, Pt. A, §1, are amended to read:

8 3. **Employees.** The commissioner may employ personnel as  
necessary to carry out the work of the department. All personnel  
10 of the department are under the immediate supervision, direction  
and control of the commissioner. Department personnel must be  
12 employed subject to the Civil Service Law, except for deputy  
commissioners, ~~associate commissioners, assistant deputy~~  
14 ~~commissioners, bureau directors, the director of legal affairs,~~  
~~regional directors, the director of Banger Mental Health~~  
16 ~~Institute and the director of Riverview Psychiatric Center~~  
positions subject to appointment by the commissioner under  
18 subsection 4.

20 4. **Appointments.** The following positions are appointed by  
the commissioner may appoint deputy commissioners, associate  
22 commissioners, assistant deputy commissioners, bureau directors,  
the director of legal affairs, regional directors, the director  
24 of Banger Mental Health Institute and the director of Riverview  
Psychiatric Center, who and serve at the pleasure of the  
26 commissioner. These positions are unclassified, major  
policy influencing positions as specified in Title 5, sections  
28 931 and 946-A. A bureau director appointed pursuant to this  
subsection must have educational qualifications and professional  
30 experience directly related to the functions of and services  
provided by the bureau.

- 32 A. The Deputy Commissioner of Integrated Services;
- 34 B. The Deputy Commissioner of Health, Integrated Access and
- 36 Strategy;
- 38 C. The Deputy Commissioner of Finance;
- 40 D. The Deputy Commissioner of Operations and Support;
- 42 E. The Director of the Office of MaineCare Services;
- 44 F. The Director of the Maine Center for Disease Control and
- 46 Prevention;
- 48 G. The Director of the Office of Integrated Access and  
Support;

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H. The Director of the Office of Adult Mental Health Services;

I. The Director of the Office of Adults with Cognitive and Physical Disability Services;

J. The Director of the Office of Child and Family Services;

K. The Director of the Office of Elder Services;

L. The Director of the Office of Substance Abuse Services;

M. The regional system integration directors;

N. The Director of Bangor Mental Health Institute; and

O. The Director of Riverview Psychiatric Center.

Deputy commissioners and office directors appointed pursuant to this subsection must have educational qualifications and professional experience directly related to the functions of and services provided by the relevant unit or office.'

Further amend the bill by inserting after section 6 the following:

**Sec. 7. Personal services appropriation and allocation transfers.**

Available balances of personal services appropriations and allocations in fiscal year 2005-06 within the Department of Health and Human Services that are identified as savings resulting from the merger of the former Department of Human Services and the former Department of Behavioral and Developmental Services may be transferred within the personal services line category within the same fund by financial order upon the recommendation of the State Budget Officer and approval of the Governor. The purpose of these transfers must be to provide permanent, ongoing funding for the pay range reallocation of positions to achieve pay equity. The Commissioner of Health and Human Services shall provide a report to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Appropriations and Financial Affairs no later than January 15, 2006 on all amounts transferred under this section.

**Sec. 8. Report on merger goals and achievement of benchmarks.**

The Commissioner of Health and Human Services shall report according to the schedule established in this section to the joint standing committee of the Legislature having jurisdiction over health and human services matters on progress towards goals and benchmarks adopted by the committee for the merger of the former Department of Human Services and the former

2 Department of Behavioral and Developmental Services. In January  
3 2006, the commissioner shall present proposed outcomes and  
4 specific benchmarks to be used to evaluate the success of the  
5 merger in achieving those goals for review by the committee. The  
6 commissioner shall provide subsequent regular updated reports to  
7 the committee at least once every 6 months in 2006 and 2007 on  
8 the progress of the department in achieving the identified goals,  
9 outcomes and benchmarks. Each report must also include a review  
10 of the pay range reallocations undertaken to achieve pay equity,  
11 progress in achieving the colocation goals of the department and  
12 the number of vacant positions and acting or temporary  
13 appointments within the department.

14 **Sec. 9. Review of advocacy and ombudsman issues.** The child  
15 welfare ombudsman program established in the Maine Revised  
16 Statutes, Title 22, section 4087-A, the long-term care ombudsman  
17 program established pursuant to Title 22, section 5106,  
18 subsection 11-C and the Office of Advocacy within the Department  
19 of Health and Human Services shall work collaboratively to  
20 develop recommendations to maximize their independence,  
21 effectiveness and ability to provide consumer advocacy and  
22 ombudsman services and long-term budget stability. Those  
23 entities shall report their recommendations to the Joint Standing  
24 Committee on Health and Human Services no later than February 15,  
25 2006. The committee may report out a bill regarding the  
26 ombudsman and advocacy programs to the Second Regular Session of  
27 the 122nd Legislature.'

28  
29 Further amend the bill by relettering or renumbering any  
30 nonconsecutive Part letter or section number to read  
31 consecutively.

### 34 SUMMARY

36 This amendment codifies the pay range of 2 of the deputy  
37 commissioner positions within the Department of Health and Human  
38 Services and the positions within that department that are  
39 appointed and serve at the pleasure of the Commissioner of Health  
40 and Human Services. The amendment also adds provisions allowing  
41 the commissioner to transfer savings within personal services  
42 lines during fiscal year 2005-06 in order to fund reallocations  
43 of pay ranges to achieve pay equity, requires the commissioner to  
44 report to the Joint Standing Committee on Health and Human  
45 Services on the progress towards goals established for the merger  
46 of the former Department of Human Services and the former  
47 Department of Behavioral and Developmental Services. It requires  
48 the child welfare ombudsman program, the long-term care ombudsman  
49 program and the Office of Advocacy within the Department of  
50 Health and Human Services to report to the committee by February

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15, 2006 on ways to maximize their independence, effectiveness and ability to provide consumer advocacy and ombudsman services and long-term budget stability.

**FISCAL NOTE REQUIRED**  
(See attached)

**COMMITTEE AMENDMENT**



# 122nd MAINE LEGISLATURE

LD 1642

LR 2344(02)

**An Act To Further the Transition to the New Department of Health and Human Services**

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

**Committee: Health and Human Services**

**Fiscal Note Required: Yes**

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## Fiscal Note

Potential current biennium cost increase - General Fund

### Fiscal Detail and Notes

The language in Section 7 granting the Commissioner authority to transfer funds within personal services lines to provide permanent ongoing funding for pay range reallocations could result in a reduction in personal services balances lapsed to the General Fund. Any non-Section 7 fiscal impact to the Department of Health and Human Services to implement this bill is expected to be minor. The additional costs associated with legislative staff participation in the working group regarding the Department of Health and Human Services' accounting structure can be absorbed by the Legislature utilizing existing budgeted resources.