

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2005

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Legislative Document

No. 1642

S.P. 608

In Senate, May 3, 2005

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

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator MAYO of Sagadahoc. (GOVERNOR'S BILL)  
Cosponsored by Representative PINGREE of North Haven and  
Senators: HOBBS of York, ROSEN of Hancock, WESTON of Waldo, Representatives:  
LEWIN of Eliot, TRAHAN of Waldoboro.

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

**Sec. 1. 2 MRSA §6, sub-§2,** as amended by PL 2003, c. 689, Pt. C, §3, is further amended to read:

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

Superintendent of Financial Institutions;

State Tax Assessor;

Superintendent of Insurance;

Executive Director of the Maine Consumer Choice Health Plan;

~~Associate---Commissioner---for---Programs,---Department---of Behavioral-and-Developmental-Services;~~

~~Associate--Commissioner--of--Administration,--Department--of Behavioral-and-Developmental-Services;~~

~~Associate-Commissioner-for-Systems-Operations,--Department-of Behavioral-and-Developmental-Services;~~

Deputy Commissioner, Department of Administrative and Financial Services;

Associate Commissioner for Adult Services, Department of Corrections;

Associate Commissioner for Juvenile Services, Department of Corrections;

Public Advocate;

~~Director,--Bureau--of--Medical--Services,--Department--of--Human Services;~~

Deputy Commissioner of Integrated Services, Department of Health and Human Services;

Deputy Commissioner of Health, Integrated Access and Strategy, Department of Health and Human Services;

Chief Information Officer; and

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

2           **Sec. 2. 2 MRSA §6, sub-§3**, as amended by PL 2005, c. 12, Pt.  
3 SS, §2, is further amended to read:

4           **3. Range 89.** The salaries of the following state  
5 officials and employees are within salary range 89:

6           Director, Bureau of General Services;

7           Director, Bureau of Alcoholic Beverages and Lottery  
8 Operations;

9           State Budget Officer;

10          State Controller;

11          Director of the Bureau of Forestry;

12          Chief of the State Police;

13          Director, State Planning Office;

14          Director, Energy Resources Office;

15          Director of Human Resources;

16          ~~Director, Bureau of Children with Special Needs;~~

17          Commissioner of Defense, Veterans and Emergency Management;

18          Director, Bureau of Parks and Lands; and

19          Director of Econometric Research.

20           **Sec. 3. 5 MRSA §946-A, sub-§1**, as enacted by PL 2003, c. 689,  
21 Pt. C, §6, is amended to read:

22           **1. Major policy-influencing positions.** The following  
23 positions are major policy-influencing positions within the  
24 Department of Health and Human Services. Notwithstanding any  
25 other provisions of law, these positions and their successor  
26 positions are subject to this chapter:

27           A. Deputy commissioners;

28           ~~B. Associate commissioners;~~

29           ~~C. Bureau directors and division directors;~~

30           C-1. Director, Office of MaineCare Services;

- 2            C-2. Director, Office of Integrated Access and Support;
- 4            C-3. State Health Officer and Director, Maine Center for  
Disease Control and Prevention;
- 6            C-4. Director, Office of Adult Mental Health Services;
- 8            C-5. Director, Office of Adults with Cognitive and Physical  
Disability Services;
- 10           C-6. Director, Office of Child and Family Services;
- 12           C-7. Director, Office of Elder Services;
- 14           C-8. Director, Office of Substance Abuse Services;
- 16           D.--Assistant-deputy-commissioners;
- 18           E.--Regional-directors;
- 20           E-1. System integration directors;
- 22           F. Directors Superintendents of Bangor Mental Health  
Institute and Riverview Psychiatric Center; and
- 24           G. Director of legal affairs, or general counsel;
- 26           H. Director of Legislative Affairs;
- 28           I. Director of Public and Employee Communication;
- 30           J. Directors of special projects;
- 32           K. Chief Information Officer; and
- 34           L. Director of Strategic Human Resources Management and  
Organizational Development.

38            **Sec. 4. 22-A MRSA §201, sub-§2, as enacted by PL 2003, c. 689,**  
40            **Pt. A, §1, is amended to read:**

42            **2. Units.** The department consists of the ~~bureaus--and~~  
44            ~~divisions following units~~ necessary to carry out the work of the  
              department.;

46            A. The Health, Integrated Access and Strategy Unit, which  
48            includes:

- 50            (1) The Office of MaineCare Services;

2           (2) The Maine Center for Disease Control and  
Prevention, which includes minority health services; and

4           (3) The Office of Integrated Access and Support;

6           B. The Operations and Support Unit;

8           C. The Finance Unit, which includes:

10           (1) The Office of Budget Planning and Analysis;

12           (2) The Office of Audit for MaineCare and Social  
Services; and

14           (3) The Office of Accounting and Cash Management; and

16           D. The Integrated Services Unit, which includes:

18           (1) The Office of Adult Mental Health Services;

20           (2) The Office of Adults with Cognitive and Physical  
Disability Services;

22           (3) The Office of Advocacy Services;

24           (4) The Office of Child and Family Services;

26           (5) The Office of Elder Services;

28           (6) The State Forensic Service;

30           (7) The Office of Substance Abuse Services; and

32           (8) The Office of Integrated Services Quality  
Improvement.

36           **Sec. 5. Department's accounting structure.** On or before October  
38 1, 2005, the Commissioner of Health and Human Services shall  
submit to the Governor, the Joint Standing Committee on Health  
40 and Human Services and the Joint Standing Committee on  
Appropriations and Financial Affairs a plan to create a new  
42 budget and financial management system and reporting structure  
for the Department of Health and Human Services. The recommended  
44 structure must address security and authority issues, reporting  
administration, position administration, performance budget  
46 administration, biennial budget issues, budget document issues  
and annual reports issues. The commissioner shall invite the  
48 following or their designees to join a working group to aid in  
the preparation of the new budget and financial management  
50 structure: the department's Deputy Commissioner of Finance, the

2 State Budget Officer, the State Controller, the Director of the  
Office of Fiscal and Program Review and the Director of the  
Office of Policy and Legal Analysis.

4  
6 **Sec. 6. Functions and duties; rules, guidelines, policies and  
manuals.** Notwithstanding any provision of law to the contrary  
8 and in accordance with Public Law 2003, chapter 689, the units  
established within the Department of Health and Human Services  
10 pursuant to the Maine Revised Statutes, Title 22-A, section 201,  
subsection 2 shall assume the functions and the duties of the  
12 bureaus, divisions and offices established under Title 22 and  
Title 34-B and the Office of Substance Abuse established under  
14 Title 5, chapter 521. Notwithstanding Title 5, chapter 375 and  
in accordance with Public Law 2003, chapter 689, Part B, section  
16 1, all rules, guidelines, policies, manuals and similar documents  
adopted by or distributed by either the former Department of  
18 Human Services or the former Department of Behavioral and  
Developmental Services that are in effect as of the effective  
20 date of this Act remain in effect until rescinded, revised or  
amended, without regard to references therein to departmental  
22 offices, bureaus, divisions, units or employee titles or  
classifications that may no longer exist or that may be changed  
in the future.

24  
26 **SUMMARY**

28 This bill furthers the transition to the new Department of  
Health and Human Services as follows.

30  
32 1. It eliminates from the law governing salary ranges  
certain now-defunct positions from the former Department of Human  
Services and the former Department of Behavioral and  
34 Developmental Services.

36 2. It establishes the salaries of the Deputy Commissioner  
of Integrated Services and the Deputy Commissioner of Health,  
38 Integrated Access and Strategy in the Department of Health and  
Human Services.

40  
42 3. It establishes a number of positions as major  
policy-influencing positions within the Department of Health and  
Human Services.

44  
46 4. It establishes within the department the Health,  
Integrated Access and Strategy Unit; the Operations and Support  
Unit; the Finance Unit; and the Integrated Services Unit.

48  
50 5. It directs the Commissioner of Health and Human Services  
to create a new budget and financial management system and  
reporting structure for the department.

2           6. It specifies that the units established within the  
department assume the functions and duties of the bureaus,  
4 divisions and offices established under the Maine Revised  
Statutes, Title 22 and Title 34-B and the Office of Substance  
6 Abuse established under Title 5, chapter 521. It also specifies  
that the rules, guidelines, policies and manuals adopted or  
8 distributed by the former Department of Human Services or the  
former Department of Behavioral and Developmental Services  
10 continue in effect without regard to references to offices,  
bureaus, divisions, units or employee titles that no longer exist.