

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2008

Legislative Document

No. 2311

H.P. 1671

House of Representatives, April 8, 2008

An Act To Invest in Maine's Young Children

Reported by Representative PERRY of Calais for the Joint Standing Committee on Health and Human Services pursuant to Resolve 2007, chapter 136.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

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

2 **PART A**

3 **Sec. A-1. 5 MRSA§12004-J, sub-§16** is enacted to read:

4 **16.**

5 <u>Children</u>	6 <u>Maine Children's</u>	7 <u>Legislative Per</u>	8 <u>5 MRSA §24010</u>
	9 <u>Growth Council</u>	10 <u>Diem and</u>	
		11 <u>Expenses for</u>	
		12 <u>Legislators and</u>	
		13 <u>for certain</u>	
		14 <u>members</u>	

11 **Sec. A-2. 5 MRSA Pt. 30** is enacted to read:

12 **PART 30**

13 **INVESTMENT IN YOUNG CHILDREN**

14 **CHAPTER 621**

15 **OFFICE OF THE CHILD ADVOCATE**

16 **§24001. Office of the Child Advocate**

17 The Office of the Child Advocate, referred to in this chapter as "the Child Advocate,"
18 is established as described in this section to provide ongoing, coordinated advocacy on
19 behalf of young children. For the purposes of this chapter, "young children" means
20 children from birth through 5 years of age.

21 **1. Child Advocate.** The Child Advocate shall operate by a competitively awarded
22 contract with a nonprofit organization that the Department of Health and Human Services
23 determines is best able to perform the duties of the office. The Child Advocate shall
24 dedicate its work to ensuring the best possible start in life for young children in the State,
25 setting as priorities:

26 A. Public policies and partnerships that maximize the cost-effectiveness and
27 efficiency of the State's investment in young children and eliminate duplication of
28 programs, services and administrative structures; and

29 B. Increased access to high-quality early care and education programs and services
30 that meet the evolving needs of and strengthen the State's children and families.

31 **2. Duties.** The duties of the Child Advocate include, but are not limited to:

- 1 A. Providing advocacy and representation regarding state policy, administrative
2 structures and service delivery models, identification of unmet needs of children and
3 families and proposals affecting young children, including legislation, agency rules
4 and budget proposals;
- 5 B. Researching and undertaking data collection;
- 6 C. Reviewing legislative studies and the recommendations of advisory committees
7 related to young children and the Children's Cabinet;
- 8 D. Advising the Maine Children's Growth Council, established in section 12004-J,
9 subsection 16, regarding its long-term plan for investment in the healthy development
10 of young children;
- 11 E. Creating and updating a business plan for early childhood investment tailored to
12 the specifics of the economy and demographics of the State that builds on an
13 assessment of needs and provides opportunities for public-private partnerships;
- 14 F. Serving as an early childhood information clearinghouse for the State; and
- 15 G. Documenting and raising public awareness of the connections between economic
16 growth and investment in early care and education.
- 17 **3. Research and evaluation.** The Child Advocate shall provide for ongoing
18 evaluation of the effects of public investment on programs and services to benefit young
19 children and their families through a long-term research program provided through
20 contracted services with an independent entity that matches funding provided by the
21 Child Advocate with funding from other sources in an equal amount. The research
22 program must include:
- 23 A. Analysis and statistical estimation of program impacts, quantification of the costs
24 and benefits of public expenditures and documentation of the effects of investments
25 on children, parents, government revenue and expenditures and the economy
26 statewide;
- 27 B. A longitudinal database of child and family outcomes and economic and fiscal
28 impact;
- 29 C. Regular consultation with the Child Advocate, the Maine Children's Growth
30 Council established in section 12004-J, subsection 16, agencies implementing new
31 programs or investments in young children and their families regarding data
32 collection needs and design and processes to ensure the validity of the research and
33 documentation of program effects; and
- 34 D. Submission of reports to the joint standing committee of the Legislature having
35 jurisdiction over appropriations and financial affairs and the joint standing committee
36 of the Legislature having jurisdiction over health and human services matters midway
37 through the contract period and 30 days prior to the end of the contract.
- 38 **4. Reports.** The Child Advocate shall submit an annual report of the activities and
39 accomplishments of the Child Advocate to the Department of Health and Human
40 Services, the Governor and the Legislature by December 15th of each year and may
41 submit other reports the Child Advocate determines to be appropriate.

1 5. Records. The records of the Child Advocate are public records for the purposes
2 of the State's freedom of access laws.

3 **CHAPTER 623**

4 **MAINE CHILDREN'S GROWTH COUNCIL**

5 **§24010. Maine Children's Growth Council**

6 **1. Definitions.** As used in this chapter, unless the context otherwise indicates, the
7 following terms have the following meanings.

8 A. "Council" means the Maine Children's Growth Council established in subsection
9 2.

10 B. "Young children" means children from birth through 5 years of age.

11 **2. Establishment.** The Maine Children's Growth Council, as established in section
12 12004-J, subsection 16, is created to develop, maintain and evaluate a plan for sustainable
13 social and financial investment in healthy development of the State's young children and
14 their families.

15 **3. Membership.** The council consists of 27 members who must have a strong
16 interest in early childhood and early care and education and must be influential in their
17 communities:

18 A. Two members of the Senate, one from each of the 2 political parties having the
19 greatest number of members in the Senate, appointed by the President of the Senate;

20 B. Two members of the House of Representatives, one from each of the 2 political
21 parties having the greatest number of members in the House, appointed by the
22 Speaker of the House;

23 C. The Governor or the Governor's designee and the Attorney General or the
24 Attorney General's designee;

25 D. Three parents, at least one of whom has a young child, one each appointed by the
26 Governor, the President of the Senate and the Speaker of the House;

27 E. Two persons with experience in public funding and philanthropy, appointed by
28 the President of the Senate;

29 F. One person representing child abuse and neglect prevention, appointed by the
30 Speaker of the House;

31 G. One person representing postsecondary education, appointed by the Governor;

32 H. Eight persons representing statewide, membership or constituent organizations
33 that advance the well-being of young children and their families, nominated by their
34 organizations and appointed by the Governor, of whom:

35 (1) Three must represent statewide organizations or associations involved in
36 early care and education programs, child care centers, Head Start programs,

1 family child care providers, resource development centers, programs for school-
2 age children, child development services, physicians and child advocacy.

3 (2) One must represent a law enforcement organization involved with children;

4 (3) One must represent an organization that works on community organization
5 and mobilization;

6 (4) One must represent public health;

7 (5) One must represent the Maine Economic Growth Council; and

8 (6) One must represent a labor organization.

9 I. One person representing a statewide association of business and industry and one
10 person representing a business roundtable on early childhood investment, appointed
11 by the Governor;

12 J. One member of the public, appointed by the Governor; and

13 K. Three ex-officio, nonvoting members: the Commissioner of Education or the
14 commissioner's designee, a Department of Health and Human Services employee
15 who works with early childhood programs including Head Start and a person
16 representing the office within the Department of Health and Human Services that is
17 the fiscal agent for the federal grant program for comprehensive early childhood
18 initiatives.

19 **4. Terms of appointment.** Except for ex-officio members, members of the council
20 are appointed for terms of 3 years. Members who are Legislators are appointed for the
21 duration of the legislative terms in which they were appointed. Members who are not
22 Legislators may serve beyond their designated terms until their successors are appointed.

23 **5. Cochairs.** The Governor shall appoint cochairs for the council.

24 **6. Quorum; meetings.** Thirteen members of the council constitute a quorum. The
25 council may meet as often as necessary but shall meet at least 6 times a year. A meeting
26 may be called by a cochair or by any 5 members.

27 **7. Compensation.** Members of the council serve without compensation for their
28 services, except that parents appointed under subsection 3, paragraph D who are not
29 reimbursed by another organization may receive mileage reimbursement and a per diem
30 to cover related costs such as child care, and legislators are entitled to receive the
31 legislative per diem, as defined in Title 3, section 2, and reimbursement for travel and
32 other necessary expenses for attendance at authorized meetings of the council.

33 **8. Staffing; funding.** The council may hire staff as necessary for its work and as
34 resources permit. The council may accept grant funding and other funding as may be
35 available for the work of the council. The Department of Health and Human Services
36 shall act as fiscal agent for the council.

37 **9. Logo.** The council may develop, adopt and publicize a logo or slogan to identify
38 its work.

1 **§24011. Duties**

2 **1. Duties.** The duties of the council include, but are not limited to:

3 A. Reviewing and addressing recommendations of legislative studies and advisory
4 committees regarding young children and the Children's Cabinet;

5 B. Adopting and updating a long-term plan for investment in the healthy
6 development of young children that will achieve sustainable social and financial
7 investment in the healthy development of young children and their families.

8 (1) In adopting and updating the plan the council shall consult and coordinate
9 with members of the public, the Children's Cabinet, the Department of Education,
10 the Department of Health and Human Services and advocates, community
11 agencies and providers of early care and education and services to children and
12 their families; monitor and evaluate progress in accomplishing the plan's vision,
13 goals and performance indicators and best practice research; and consider the
14 changing economic and demographic conditions and the effect of investments on
15 economic growth and productivity.

16 (2) The plan must include strategies:

17 (a) To create and sustain a unified, statewide early childhood services system
18 that provides essential resources for children, shares common standards for
19 quality, respects the diversity and uniqueness of young children and their
20 families, reflects a commitment to sustainable growth, includes family
21 representation, recognizes the importance of child care in sustaining
22 employment for parents and recognizes the value of new forms of
23 cooperation among government, business and society in achieving the goals
24 of the plan; and

25 (b) For overall investment and prioritization of early childhood and
26 education programs, services and initiatives and to address workforce
27 education and training issues, utilization of community partners across the
28 state and investments in technology and infrastructure; and

29 C. Reporting by January 15, 2010 and every 2 years thereafter to the Department of
30 Health and Human Services, the Governor, the Children's Cabinet and the Legislature
31 on the activities and accomplishments of the council and its long-term plan for
32 investment in the healthy development of young children, and issuing such other
33 reports as the council determines to be appropriate.

34 **§24012. Records and meetings**

35 **1. Public records and meetings.** The records of the council are public records and
36 meetings of the council are public meetings for the purposes of the State's freedom of
37 access laws.

38 **Sec. A-3. Needs assessment; research.** The Office of the Child Advocate,
39 established pursuant to the Maine Revised Statutes, Title 5, section 24001, shall enter into
40 a contract with an independent organization to carry out research to evaluate the effect of

1 public investment in programs and services to benefit young children and their families
2 during fiscal year 2009-10.

3 The Office of the Child Advocate shall complete a comprehensive statewide needs
4 assessment of the early childhood system during state fiscal years 2008-09 and 2009-10
5 through a contract with an independent organization.

6 1. At a minimum, the needs assessment must document the supply of and need for
7 early care and education services for children from birth through 5 years of age, identify
8 priorities for addressing unmet needs and document the needs of the child care workforce.
9 The needs assessment must include a direct survey of families with a child under one year
10 of age for the purpose of identifying emerging needs. The needs assessment must require
11 consultation and coordination with state agencies and other entities, including but not
12 limited to the Office of the Child Advocate, the Maine Children's Growth Council, the
13 Children's Cabinet and the Child Care Advisory Council.

14 2. By December 1, 2009 the needs assessment report must be submitted to the
15 Governor and to the joint standing committee of the Legislature having jurisdiction over
16 health and human services matters, which may submit a bill to the 124th Legislature
17 related to the findings of the needs assessment.

18 **Sec. A-4. Initial appointments to the Maine Children's Growth Council.**

19 In making the initial appointments to the Maine Children's Growth Council established
20 pursuant to the Maine Revised Statutes, Title 5, chapter 623, the appointing authorities
21 shall consider for appointment the persons who serve on the Children's Cabinet Task
22 Force on Early Childhood.

23 **PART B**

24 **Sec. B-1. 10 MRSA §1026-M, sub-§6, ¶C,** as amended by PL 1999, c. 401, Pt.
25 OOO, §2, is further amended to read:

26 C. The authority and each corporation shall establish interest rates, amortization
27 schedules and repayment terms for each borrower, except that loans may not be for a
28 term longer than 20 years and:

29 (1) Loans to a quality child care project ~~may not~~ must bear a rate of interest ~~that,~~
30 ~~when added to the commitment fee and administrative and technical assistance~~
31 ~~cost, is less than 6% or exceeds the prime rate of interest equal to 3%, not~~
32 including any administrative costs or fees; or

33 (2) Loans to any other eligible borrower may not bear a rate of interest greater
34 than the prime rate of interest plus 7%.

35 **Sec. B-2. 22 MRSA §262** is enacted to read:

36 **§262. Home visiting**

37 **1. Voluntary universal home visiting program.** The department, as permitted by
38 the availability of funds, shall offer a voluntary universal home visiting program for new
39 families with children from the prenatal stage of development through 5 years of age,

1 regardless of family income level. The home visiting program must incorporate the
2 following principles:

- 3 A. Healthy and strong parent-child attachment;
- 4 B. Physical and behavioral health of the family;
- 5 C. Reduced incidence of child abuse and neglect;
- 6 D. Positive and creative learning environments for the child;
- 7 E. Effective and positive parenting;
- 8 F. Parental competencies and self-confidence;
- 9 G. Reducing family isolation through community linkages;
- 10 H. School readiness; and
- 11 I. Family self-sufficiency.

12 **Sec. B-3. Public education; simplification of application.** The Finance
13 Authority of Maine shall undertake a public education campaign to increase the level of
14 awareness of loans available for improvements to the physical site of child care facilities
15 granted under the Regional Economic Development Revolving Loan Program and shall
16 simplify the application to be submitted by those seeking loans under this program. By
17 January 15, 2009, the Finance Authority of Maine shall report to the joint standing
18 committee of the Legislature having jurisdiction over health and human services matters
19 outlining the campaign and the simplification of the application.

20 **Sec. B-4. Quality child care education and scholarship program.** The
21 Finance Authority of Maine shall amend rules governing the quality child care education
22 and scholarship program as established by the Maine Revised Statutes, Title 20-A,
23 section 11670 to increase the amount of funding available for scholarships as provided in
24 this Act and the amount distributed per course and to increase the annual maximum
25 disbursement from \$2,000 to \$3,000. Rules adopted pursuant to this section are routine
26 technical rules as defined in Title 5, chapter 375, subchapter 2-A.

27 **Sec. B-5. Review of unification of policies governing child care subsidies.**
28 The Department of Health and Human Services shall report to the joint standing
29 committee of the Legislature having jurisdiction over health and human services matters
30 by January 15, 2009 regarding the benefits, cost-effectiveness and effect on families of
31 unifying the policies governing child care subsidies granted by Temporary Assistance to
32 Needy Families and the Office of Child Care and Head Start. The report may include
33 recommendations, and legislation if appropriate, that will encourage the use of high-
34 quality child care providers by families receiving these subsidies.

35 **Sec. B-6. Regional collaboration coaches for prekindergarten programs.**
36 The Department of Education, in collaboration with the Department of Health and
37 Human Services, shall employ 4 regionally assigned community collaboration coaches to
38 facilitate the development of locally designed comprehensive quality early childhood
39 systems among prekindergarten programs as recommended by the Commission to

1 Develop a Strategic Priorities Plan for Maine's Young Children established pursuant to
2 Resolve 2007, chapter 136.

3 **Sec. B-7. Appropriations and allocations.** The following appropriations and
4 allocations are made.

5 **FINANCE AUTHORITY OF MAINE**

6 **FHM - Public Education Campaign N045**

7 Initiative: Allocates ongoing funds beginning in fiscal year 2008-09 for a public
8 education campaign to increase the awareness of loans available for improvements to the
9 physical site of child care facilities granted under the Regional Economic Development
10 Revolving Loan Program.

11	FUND FOR A HEALTHY MAINE	2007-08	2008-09
12	All Other	\$0	\$10,000
13			
14	FUND FOR A HEALTHY MAINE TOTAL	<hr/> \$0	<hr/> \$10,000

15 **FHM - Quality Child Care 0952**

16 Initiative: Allocates funds to increase the amount of funding available for the Quality
17 Child Care Education Scholarship Fund.

18	FUND FOR A HEALTHY MAINE	2007-08	2008-09
19	All Other	\$0	\$200,000
20			
21	FUND FOR A HEALTHY MAINE TOTAL	<hr/> \$0	<hr/> \$200,000

22 **FINANCE AUTHORITY OF MAINE**

23	DEPARTMENT TOTALS	2007-08	2008-09
24			
25	FUND FOR A HEALTHY MAINE	\$0	\$210,000
26			
27	DEPARTMENT TOTAL - ALL FUNDS	<hr/> \$0	<hr/> \$210,000

28 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)**

29 **FHM - Head Start 0959**

30 Initiative: Allocates funds to help fund the costs of the establishment of collaboration
31 coaches to facilitate the development of locally designed comprehensive quality early
32 childhood systems among prekindergarten programs.

1	FUND FOR A HEALTHY MAINE	2007-08	2008-09
2	All Other	\$0	\$24,500
3			
4	FUND FOR A HEALTHY MAINE TOTAL	<hr/>	<hr/>
		\$0	\$24,500
5	FHM - Office of the Child Advocate N043		
6	Initiative: Allocates funds for the Office of the Child Advocate to provide ongoing,		
7	coordinated advocacy on behalf of young children from birth though 5 years of age.		
8	FUND FOR A HEALTHY MAINE	2007-08	2008-09
9	All Other	\$0	\$115,000
10			
11	FUND FOR A HEALTHY MAINE TOTAL	<hr/>	<hr/>
		\$0	\$115,000
12	FHM - Office of the Child Advocate N043		
13	Initiative: Allocates funds for the costs of a comprehensive statewide needs assessment of		
14	the early childhood system.		
15	FUND FOR A HEALTHY MAINE	2007-08	2008-09
16	All Other	\$0	\$70,000
17			
18	FUND FOR A HEALTHY MAINE TOTAL	<hr/>	<hr/>
		\$0	\$70,000
19	FHM - Office of the Child Advocate N043		
20	Initiative: Allocates funds to purchase economic analysis services for research projects.		
21	FUND FOR A HEALTHY MAINE	2007-08	2008-09
22	All Other	\$0	\$30,000
23			
24	FUND FOR A HEALTHY MAINE TOTAL	<hr/>	<hr/>
		\$0	\$30,000
25	Maine Children's Growth Council N044		
26	Initiative: Provides a base allocation in the event that funds are received to fund the work		
27	of the Maine Children's Growth Council.		
28	OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
29	All Other	\$0	\$500

1			
2	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$500
3	HEALTH AND HUMAN SERVICES,		
4	DEPARTMENT OF (FORMERLY DHS)		
5	DEPARTMENT TOTALS	2007-08	2008-09
6			
7	FUND FOR A HEALTHY MAINE	\$0	\$239,500
8	OTHER SPECIAL REVENUE FUNDS	\$0	\$500
9			
10	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$240,000
11	LEGISLATURE		
12	Legislature 0081		
13	Initiative: Allocates funds for the per diem and expenses of legislative members of the		
14	Maine Children's Growth Council.		
15	OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
16	Personal Services	\$0	\$1,320
17	All Other	\$0	\$1,200
18			
19	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$2,520
20	LEGISLATURE		
21	DEPARTMENT TOTALS	2007-08	2008-09
22			
23	OTHER SPECIAL REVENUE FUNDS	\$0	\$2,520
24			
25	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$2,520
26	SECTION TOTALS	2007-08	2008-09
27			
28	FUND FOR A HEALTHY MAINE	\$0	\$449,500
29	OTHER SPECIAL REVENUE FUNDS	\$0	\$3,020
30			
31	SECTION TOTAL - ALL FUNDS	\$0	\$452,520

1

SUMMARY

2 This bill is a committee bill from the majority of the committee. The bill establishes
3 the Office of the Child Advocate through contracted services for the purpose of ongoing,
4 coordinated advocacy on behalf of young children. It establishes the Maine Children's
5 Growth Council to develop, maintain and evaluate a long-term plan for investment in the
6 healthy development of Maine's young children and their families and to review and
7 address recommendations of studies and advisory committees and the Children's Cabinet.
8 The bill provides for a research and evaluation contract and a needs assessment contract.
9 The bill changes the rate of interest on quality child care project loans, requires the
10 Department of Health and Human Services to offer voluntary universal home visiting for
11 new families as permitted by the availability of funds and requires the Finance Authority
12 of Maine to undertake a public education campaign regarding the availability of loans for
13 child care facilities. The bill provides increased funding for quality child care education
14 scholarships, requires a report on the benefits, cost-effectiveness and effect on families of
15 unifying policies governing child care subsidies and provides funding for regional
16 collaboration coaches for prekindergarten programs. In making the initial appointments
17 to the Maine Children's Growth Council, the bill requires the appointing authorities to
18 consider for appointment persons who serve on the Children's Cabinet Task Force on
19 Early Childhood.

20

FISCAL NOTE REQUIRED

21

(See attached)



123rd MAINE LEGISLATURE

LD 2311 LR 3623(01)

An Act To Invest in Maine's Young Children

Fiscal Note for Original Bill
Committee: Health and Human Services
Fiscal Note Required: Yes

Fiscal Note

Legislative Cost/Study

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
Net Cost (Savings)				
Fund for a Healthy Maine	\$0	\$449,500	\$414,500	\$414,500
Appropriations/Allocations				
Fund for a Healthy Maine	\$0	\$449,500	\$414,500	\$414,500
Other Special Revenue Funds	\$0	\$3,020	\$3,020	\$3,020

Legislative Cost/Study

This legislation includes an annual Other Special Revenue Funds allocation to the Legislature of \$2,520 beginning in fiscal year 2008-09 for the per diem and expenses of legislators in the event grant funding or other funds are received to support the Maine Children's Growth Council.

Fiscal Detail and Notes

This bill includes total ongoing Fund for a Healthy Maine allocations of \$210,000 per year beginning in fiscal year 2008-09 to the Finance Authority of Maine (FAME). Of that amount, \$200,000 is allocated to the Quality Child Care Education and Scholarship Program within FAME to increase the amount of funding available for scholarships. An additional \$10,000 per year is allocated to a Public Education Campaign Program within FAME to increase the awareness of loans available for improvements to the physical site of child care facilities granted under the Regional Economic Development Revolving Loan Program.

The bill also includes Fund for a Healthy Maine allocations in 2008-09 for the newly created Office of the Child Advocate including: \$115,000 to provide ongoing, coordinated and systemic advocacy on behalf of young children from birth through 5 years of age; \$70,000 for the one-time costs of a comprehensive statewide needs assessment of the early childhood system; and \$30,000 to purchase economic analysis services for research projects. Also provides a base allocation of \$500 in the event that funds are received to fund the work of the newly created Maine Children's Growth Council.

Additional costs to the Financial Authority of Maine associated with reducing the interest rate in the Regional Economic Development Revolving Loan Program and with simplifying the loan application can be absorbed within existing budgeted resources.

Additional costs associated with serving on the Maine Children's Growth Council can be absorbed by the Attorney General, the Department of Education and the Maine Economic Growth Council utilizing existing budgeted resources.