

MAINE STATE LEGISLATURE

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MAINE STATE

124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1263

H.P. 882

House of Representatives, March 31, 2009

An Act To Amend the Laws Concerning Child Abuse and Neglect Councils

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative EATON of Sullivan.
Cosponsored by Senator DAMON of Hancock.

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

2 **Sec. 1. 22 MRSA §3871**, as amended by PL 1993, c. 142, §2, is further amended
3 to read:

4 **§3871. Purpose**

5 The purpose of this chapter is to encourage and maintain coordinated community
6 efforts in each county to prevent child abuse and neglect through the provision of family-
7 strengthening programs, including, but not limited to, public awareness activities, child
8 safety education, parent education, support and information for parents, referral to
9 services and training for professionals, and to ensure adequate intervention and treatment
10 for abused and neglected children and their families.

11 **Sec. 2. 22 MRSA §3872, sub-§1-A**, as enacted by PL 1993, c. 142, §2, is
12 amended to read:

13 **1-A. Child abuse and neglect prevention council.** "Child abuse and neglect
14 prevention council" means a community organization that provides continuous year-
15 round service as a county's primary organization that serves to encourage and coordinate
16 community efforts ~~in primary prevention and the treatment of child abuse and neglect to~~
17 prevent child abuse from occurring. Services may include public awareness activities,
18 child safety education, parent education, support and information for parents, referral to
19 services and training for professionals.

20 **Sec. 3. 22 MRSA §3872, sub-§2**, as amended by PL 1993, c. 142, §2 and PL
21 2003, c. 689, Pt. B, §6, is further amended to read:

22 **2. Fiscal agent.** "Fiscal agent" means an incorporated community organization,
23 agency or institution designated by the child abuse and neglect prevention council and
24 authorized by the Department of Health and Human Services to receive and distribute
25 grants to that child abuse and neglect prevention council.

26 **Sec. 4. 22 MRSA §3872, sub-§3**, as amended by PL 1993, c. 142, §2, is further
27 amended to read:

28 **3. Maine Child Abuse Prevention Councils.** "~~Maine Association of Child Abuse~~
29 ~~and Neglect Prevention Councils~~" means the statewide organization composed of a
30 majority of the child abuse and neglect prevention councils. ~~The association shall~~
31 organization must have at least one representative from each member council. ~~The~~
32 ~~association shall establish standards of practice by which it may evaluate the~~
33 ~~effectiveness of each individual council's strategies to combat child abuse and neglect and~~
34 organization shall work collaboratively to maintain a list of core activities offered in each
35 of the counties represented by its membership and shall also maintain a statewide
36 network that works to develop statewide plans and effective implementation strategies.

37 **Sec. 5. 22 MRSA §3872-A**, as enacted by PL 1993, c. 142, §3, is amended to
38 read:

1 **§3872-A. Child abuse and neglect prevention council's responsibilities**

2 **1. Duties.** A child abuse and neglect prevention council shall review existing data to
3 assess and monitor the extent and causes of child abuse and neglect in its county and
4 carry out the following activities:

5 A. Coordinate services, utilizing community, state and federal resources to ensure
6 that direct services are being provided to children and families, including education
7 and support services;

8 B. Provide training to professionals who ~~deal~~ work directly with children and
9 families; and

10 C. Provide education and awareness concerning child abuse and neglect and its
11 prevention.

12 **Sec. 6. 22 MRSA §3873**, as amended by PL 1993, c. 142, §4, is further amended
13 to read:

14 **§3873. Authorization for expenditure of funds**

15 The department and other state agencies shall, from funds authorized to the
16 department and state agencies, make grants to, or purchase services from, the child abuse
17 and neglect prevention councils or fiscal agents to further the purposes of this chapter.

18 **1. Funding authorized.** Grants or funds must be made on a competitive basis and
19 allocated to child abuse and neglect prevention councils according to rules adopted or
20 amended by the commissioner. Grants or funds in excess of \$15,000 must be made on a
21 one-to-one matching basis with contributions from the community. Community
22 contributions may be donations of cash or may be in-kind contributions, as determined by
23 departmental rule.

24 **2. Distribution of funds.** Grants or funds must be awarded or allocated to support
25 existing child abuse and neglect prevention councils and to assist the establishment of
26 new child abuse and neglect prevention councils. It is the intent of this chapter to support
27 a statewide network of child abuse and neglect prevention councils in each county as
28 resources permit. Nothing in this chapter requires the department to fully fund the
29 activities of any child abuse and neglect prevention council.

30 **3. Consultation with Maine Child Abuse Prevention Councils.** The Maine
31 Association of Child Abuse and Neglect Prevention Councils shall advise the department
32 regarding the distribution of grants or funds before any grants or funds are awarded. The
33 Maine Association of Child Abuse and Neglect Prevention Councils, in conjunction with
34 the department, shall develop a plan, updated annually, establishing a statewide strategy
35 for child abuse and neglect prevention in local counties and communities. ~~This plan must~~
36 ~~be implemented at least one month before January 1, 1994 and updated annually.~~ Grants
37 or allocated funds must be awarded in accordance with the goals and strategies set out in
38 the plan.

39 **Sec. 7. 22 MRSA §3874**, as amended by PL 1993, c. 142, §4, is further amended
40 to read:

1 **§3874. Fiscal agents**

2 A fiscal agent receiving grants or funds under this chapter shall act only in an
3 administrative capacity to receive and distribute grant or fund money to the child abuse
4 and neglect prevention councils, as described in the rules adopted by the department for
5 regulating the local administration of these programs.

6 **Sec. 8. 22 MRSA §3875-A**, as enacted by PL 1993, c. 142, §6, is amended to
7 read:

8 **§3875-A. Child abuse and neglect prevention councils; membership**

9 The child abuse and neglect prevention councils are responsible for ~~governing~~
10 ~~facilitating~~ the community programs under this chapter. Each council shall establish a
11 governing or advisory board of directors. The board must be diverse with broad-based
12 participation in each county. Terms of the directors and methods of appointment or
13 election of members must be determined by the child abuse and neglect prevention
14 council's bylaws or by rules of procedure adopted for the advisory board if an advisory
15 board is established.

16 **Sec. 9. 22 MRSA §3883, sub-§2, ¶C**, as enacted by PL 1993, c. 600, Pt. A, §16,
17 is amended to read:

18 C. Four members of the ~~Maine Association of Child Abuse and Neglect Prevention~~
19 ~~Councils~~, selected by that ~~association~~ organization. Of the initial appointees, one is
20 appointed for a one-year term, one is appointed for a 2-year term and 2 are appointed
21 for 3-year terms. After the initial appointments, appointees are appointed for 3-year
22 terms;

23 **Sec. 10. 22 MRSA §3884-A, sub-§1, ¶I**, as enacted by PL 2001, c. 11, §2, is
24 amended to read:

25 I. Develop plans, with the cooperation of the child abuse and neglect prevention
26 councils established under chapter 1057, to provide a stable base for funding the
27 councils in amounts no lower than the amounts provided in the biennial budget of
28 fiscal years 1999-00 and 2000-01.

29 **Sec. 11. 22 MRSA §3890-A, sub-§2**, as enacted by PL 1993, c. 600, Pt. A, §16,
30 is amended to read:

31 **2. Dissolution of fund.** Upon dissolution of the fund, the members shall transfer any
32 unexpended General Fund appropriations to the State and pay or make provisions for the
33 payment of all other liabilities of the fund.

34 All other principal and accrued interest in the fund must be transferred to the ~~Maine~~
35 ~~Association of Child Abuse and Neglect Prevention~~ Councils and restricted to the support
36 of primary prevention of child abuse and neglect in the State.

37 **Sec. 12. 36 MRSA §1760, sub-§49**, as amended by PL 2005, c. 622, §7, is
38 further amended to read:

