

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1180

H.P. 854

House of Representatives, March 12, 2019

**Resolve, To Establish the Task Force To Better Coordinate the
Protection of Vulnerable Populations**

(EMERGENCY)

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BERRY of Bowdoinham.
Cosponsored by Senator GRATWICK of Penobscot and
Representatives: BRENNAN of Portland, CRAVEN of Lewiston, DENK of Kennebunk,
MORALES of South Portland, NEWELL of the Passamaquoddy Tribe, WARREN of
Hallowell, Senators: CARPENTER of Aroostook, MOORE of Washington.

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

3 **Whereas,** many departments and agencies of government, including the Department
4 of Health and Human Services, the Office of the Attorney General, the Department of
5 Public Safety, occupational licensing boards and the district attorneys, share
6 responsibility for investigating allegations of abuse and neglect of vulnerable populations;
7 and

8 **Whereas,** it is critical that the many governmental entities that are charged with this
9 duty work together when possible to share information and coordinate responsibilities;
10 and

11 **Whereas,** this legislation creates the Task Force To Better Coordinate the Protection
12 of Vulnerable Populations, which is directed to identify areas of improvement in the
13 coordination of information and processes of the entities that investigate allegations of
14 abuse and neglect; and

15 **Whereas,** the task force's study must be initiated before the 90-day period expires in
16 order that the study may be completed and a report submitted in time for submission to
17 the next legislative session; and

18 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
19 the meaning of the Constitution of Maine and require the following legislation as
20 immediately necessary for the preservation of the public peace, health and safety; now,
21 therefore, be it

22 **Sec. 1. Task force established. Resolved:** That the Task Force To Better
23 Coordinate the Protection of Vulnerable Populations, referred to in this resolve as "the
24 task force," is established to identify areas of improvement in the coordination of
25 information and processes of the entities that investigate allegations of abuse and neglect.

26 **Sec. 2. Task force membership. Resolved:** That, notwithstanding Joint Rule
27 353, the task force consists of 15 members as follows:

- 28 1. Four members appointed by the President of the Senate as follows:
- 29 A. One member of the Senate who serves on the Joint Standing Committee on
30 Health and Human Services;
- 31 B. One member of the Senate who serves on the Joint Standing Committee on
32 Criminal Justice and Public Safety;
- 33 C. One member who represents an advocacy organization for people with low
34 income in the State; and
- 35 D. One member who represents an advocacy organization for people with disabilities
36 in the State;
- 37 2. Four members appointed by the Speaker of the House as follows:

- 1 A. One member of the House of Representatives who serves on the Joint Standing
2 Committee on Health and Human Services;
- 3 B. One member of the House of Representatives who serves on the Joint Standing
4 Committee on Criminal Justice and Public Safety;
- 5 C. One member who represents an advocacy organization for seniors; and
- 6 D. One member who represents an advocacy organization for people with
7 developmental disabilities in the State;
- 8 3. Four members appointed by the Governor as follows:
 - 9 A. One member who represents an organization that provides training and support to
10 parents of children with disabilities or special health care needs and the professionals
11 who work with the families;
 - 12 B. One member who represents an advocacy organization for people with
13 developmental disabilities;
 - 14 C. One member representing the long-term care ombudsman program; and
 - 15 D. One member representing the State Board of Nursing;
- 16 4. The Commissioner of Health and Human Services or the commissioner's designee;
- 17 5. The Commissioner of Public Safety or the commissioner's designee; and
- 18 6. The Attorney General or the Attorney General's designee.

19 **Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate
20 chair and the first-named House of Representatives member is the House chair of the task
21 force.

22 **Sec. 4. Appointments; convening of task force. Resolved:** That all
23 appointments must be made no later than 30 days following the effective date of this
24 resolve. The appointing authorities shall notify the Executive Director of the Legislative
25 Council once all appointments have been completed. After appointment of all members,
26 the chairs shall call and convene the first meeting of the task force. If 30 days or more
27 after the effective date of this resolve a majority of but not all appointments have been
28 made, the chairs may request authority and the Legislative Council may grant authority
29 for the task force to meet and conduct its business.

30 **Sec. 5. Duties. Resolved:** That the task force shall identify areas of improvement
31 in the coordination of information and processes of the entities, including but not limited
32 to the Department of Health and Human Services, the Department of Public Safety,
33 occupational licensing boards, the Office of the Attorney General and the district
34 attorneys, that investigate allegations of abuse and neglect of vulnerable populations. The
35 study conducted by the task force must include, but is not limited to:

- 36 1. A review of the coordination and information sharing that exists between
37 governmental entities that are charged with the responsibility of receiving complaints of
38 abuse or neglect of vulnerable populations and investigating and acting on those

1 complaints and an analysis of the potential for greater coordination and sharing of data
2 and information;

3 2. An examination of the many different gateways through which an allegation of
4 abuse or neglect may be filed and the absence of clear jurisdictional primacy over such
5 allegations and whether these issues have an impact on the ultimate resolution of such
6 allegations;

7 3. An analysis of the definitional and language differences in statutes and rules
8 regarding abuse and neglect and the impact of such differences; and

9 4. A review of any additional issues associated with training, staffing and funding
10 experienced by governmental entities charged with the responsibility of receiving
11 complaints of abuse or neglect of vulnerable populations.

12 **Sec. 6. Staff assistance. Resolved:** That the Department of Health and Human
13 Services shall provide the task force with staff assistance and access to any
14 nonconfidential aggregate information necessary for the task force to carry out its duties.

15 **Sec. 7. Report. Resolved:** That, no later than December 4, 2019, the task force
16 shall submit a report that includes its findings and recommendations, including suggested
17 legislation, for presentation to the Joint Standing Committee on Health and Human
18 Services.

19 The Joint Standing Committee on Health and Human Services may submit a bill
20 related to this report to the Second Regular Session of the 129th Legislature.

21 **Emergency clause.** In view of the emergency cited in the preamble, this
22 legislation takes effect when approved.

23 **SUMMARY**

24 This resolve establishes the Task Force To Better Coordinate the Protection of
25 Vulnerable Populations to identify areas of improvement in the coordination of
26 information and processes of the entities that investigate allegations of abuse and neglect.
27 The task force must report its findings and recommendations, including suggested
28 legislation, to the Joint Standing Committee on Health and Human Services by December
29 4, 2019.