

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

CHAPTER 409

H.P. 456 - L.D. 558

AN ACT Relating to Administration of
Appropriations and Allocations for the
Maine Human Services Council.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, administrative actions affecting appropriations of the Maine Human Services Council shall be performed on or before July 1, 1983; and

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

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

Sec. 1. 22 MRSA §1, first ¶, as amended by PL 1981, c. 703, Pt. A, §4, is further amended to read:

The Department of Human Services, as heretofore established and hereinafter in this Title called the "department," shall consist of such bureaus and divisions as may be required to carry out the work of the department. ~~It shall also include the Committee on Children and Youth and the Maine Human Services Council.~~ The department shall have an official department seal, which shall be judicially noticed.

Sec. 2. 22 MRSA §5304, sub-§6, as amended by PL 1975, c. 293, §4, is further amended to read:

6. Council. "Council" means the Maine Human Services Council; ~~Maine Department of Human Services.~~

Sec. 3. 22 MRSA §5313, sub-§1, as amended by PL 1975, c. 293, §4, is repealed and the following enacted in its place:

1. Council established. There shall be within State Government, the Maine Human Services Council. The council shall be an independent board, separate

and distinct from any other organizational unit of State Government.

Sec. 4. 22 MRSA §5314, 5th ¶, as enacted by PL 1973, c. 793, §12, is amended to read:

Members shall be eligible for reappointment for not more than 2 full consecutive terms and may serve after the expiration of their term until their successors have been appointed, qualified and taken office. The appointing authority may terminate the appointment of any member of the council for good and just cause and the reason for the termination of each appointment shall be communicated to each member so terminated. The appointment of any member of the council shall be terminated if a member is absent from 3 consecutive meetings without good and just cause that is communicated to the chairman. An official, employee, consultant or any other individual employed, retained or otherwise compensated by or representative of the Executive Branch of the Government of the State of Maine shall not be a member of the council; but shall assist the council if so requested. ~~The director of the bureau or his representative shall attend all meetings of the council.~~

Sec. 5. 22 MRSA §5315, 2nd ¶, as enacted by PL 1973, c. 793, §12, is amended to read:

The council ~~is authorized to~~ may employ, subject to the Personnel Law, such staff as is necessary to carry out its objectives. The council ~~is authorized to~~ may employ consultants and contract for such projects as it deems necessary. ~~The department and the bureau~~ State agencies, to the extent feasible and reasonable, shall make available to the council such staff, facilities, equipment, supplies, information and other assistance as it may reasonably require to carry out its activities.

Sec. 6. 22 MRSA §5315, 3rd ¶, as enacted by PL 1973, c. 793, §12, is amended to read:

Any reasonable and proper expenses of the council shall be borne ~~by the bureau~~ out of currently available state or federal funds. Each member of the council shall be entitled to receive \$25 per day for compensation of the time actually spent in the performance of his duties and may be reimbursed on the same basis as employees of state departments for the actual travel and other necessary expenses incurred in the performance of his duties. The council ~~is authorized to~~ may appoint subcommittees consisting of its own members and ~~to~~ allow guests of the council to

attend any and all meetings.

Sec. 7. 22 MRSA §5316, sub-§§1 and 2, as enacted by PL 1973, c. 793, §12, are amended to read:

1. Advise, consult and assist. Advise, consult and assist the Executive and Legislative Branches of State Government, especially the Governor, on activities of State Government related to human services, except those related to older people. The council shall be solely advisory in nature. The council may make recommendations regarding any function intended to improve the quality of ~~such those~~ human services. If findings, comments or recommendations of the council vary from or are in addition to those of ~~the bureau or department~~ a state agency, ~~such those~~ statements of the council shall be sent to the respective branches of State Government as attachments to those submitted by ~~the bureau or department~~ a state agency. Recommendations may take the form of proposed budgetary, legislative or policy actions;

2. Serve as an advocate. Serve as an advocate on behalf of human services, except services to older people, promoting and assisting activities designed to meet at the national, state and community levels the problems of ~~such those~~ human services. The council shall serve as an ombudsman on behalf of individual citizens as a class in matters relating to ~~such those~~ human services under the jurisdiction of State Government. It shall be a spokesman on behalf of ~~such those~~ human services to ~~the director, commissioner~~ state agencies, Governor, Legislature, public-at-large and National Government;

Sec. 8. 22 MRSA §5316, sub-§3, as amended by P&SL 1975, c. 90, §C, §5, is further amended to read:

3. Serve as advisory committee. Serve as the advisory committee on behalf of the State ~~of Maine~~ to the state agency relating to or as may be required by state or federal laws and regulations governing administration of programs authorized by this Part and so much of the several Acts, amendments and successors to them enacted by the people of the State ~~of Maine~~ and those authorized by the several United States Acts, amendments and successors to them as relate to human services, including services to older people funded by Title VI, or their successors or amendments or additions thereto, of the Social Security Act, as amended, and excepting all other services to older people:

A. The Priority Social Services Act of 1973, except services to older people in accordance

with section 6108; and

B. Title IV and VI, or their successors or amendments or additions thereto, of the United States Social Security Act, as amended, except those services to older people funded under Title VI, or their successors or amendments or additions thereto, of the United States Social Security Act, as amended.

The council shall advise concerning state and federal plans, policies, programs and other activities relating to human services, except services to older people. The council shall submit its recommendations and comments on the state plan, and any revisions thereof, and reports to federal or state agencies. Statements at variance with or in addition to those of ~~the bureau or department~~ a state agency shall be attached to the plan or reports upon submission ~~by the bureau~~ to agencies of the United States Government or to state agencies;

Sec. 9. 22 MRSA §5316, sub-§§4, 5, 6 and 8, as enacted by PL 1973, c. 793, §12, are amended to read:

4. Serve as review committee. Serve, through a subcommittee of the council, consisting of 5 persons including the chairman and 4 other members appointed by the chairman ~~with the advice and consent of the Governor~~, as the review committee on behalf of the State of Maine responsible for analysis of proposals and submission of advisory recommendations ~~to the director~~ concerning the acceptability of proposals requesting award of state administered grant funds ~~under~~ such as, but not limited to, those Acts enumerated in subsection 3. In order to insure coordination and prevent duplication of ~~such~~ those human services and shall review and comment on, under its own initiative or at the request of any state or federal department or agency, any proposed agreement or agreement from any agency or organization within the State to a state or federal department or agency for assistance related to the provision of human services;

5. Review and evaluate. Review and evaluate on a continuing basis ~~in consultation with the bureau for the purpose of determining the purpose,~~ the value and impact on the lives of people, state and federal policies regarding human services programs and other activities affecting people, except older people, conducted or assisted by any state departments or agencies;

6. Inform the public. Inform the public; ~~in~~

consultation with the bureau, to develop a firm public understanding of the current status of the human services, except services to older people in Maine, including information on effective programs elsewhere in the State or Nation, by collecting and disseminating information, conducting or commissioning studies and publishing the results thereof and by issuing publications and reports;

8. Administer funds. Administer, in accordance with current fiscal and accounting regulations of the State, and in accordance with the philosophy, objectives and authority of this Part and Part 2, any funds appropriated for expenditure by the council or any grants or gifts which may become available, accepted and received by the council; and make, ~~to be included in the annual report of the bureau, an annual report which shall be submitted directly to the director, commissioner,~~ an annual report to the Governor and Legislature not later than September 1st of each year concerning its work, recommendations and interests of the previous fiscal year and future plans; and shall make such interim reports as it deems advisable.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 7, 1983.

CHAPTER 410

H.P. 1250 - L.D. 1663

AN ACT Concerning Explanations for
Referenda Questions which Appear on a
Ballot.

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

Sec. 1. 21 MRSA §702-A is enacted to read:

§702-A. Ballot items requiring voter approval

1. Wording of ballots for people's veto and initiative referenda. Ballots for a statewide vote on people's veto and initiative questions shall set out the question to be voted on in clear, concise and direct language. The Secretary of State, by rules