

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**THIRD SPECIAL SESSION**

October 1, 1992 to October 6, 1992

**FOURTH SPECIAL SESSION**

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

**FIRST REGULAR SESSION**

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1993

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**RESOLVES**  
**OF THE**  
**STATE OF MAINE**  
**AS PASSED AT THE**  
**FIRST REGULAR SESSION**  
  
**of the**  
  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**  
  
**1993**

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1065 - Register of Deeds	
Personal Services	71,931
Contractual Services	70,599
Commodities	1,125
1070 - Register of Probate	
Personal Services	63,237
Contractual Services	16,475
Commodities	1,650
Capital Expenditures	1,200
1075 - Sheriff	
Personal Services	303,787
Contractual Services	190,417
Commodities	14,500
Capital Expenditures	61,607
1090 - Auditing	
Contractual Services	5,000
1095 - Debt Service	
Contractual Services	137,381
2000 - Interest	
Contractual Services	35,000
2005 - Extension Service	
Contractual Services	44,749
2025 - Employee Benefits	
Contractual Services:	
Health Insurance	300,000
Unemployment Benefits	20,000
Maine State Retirement System	58,000
Social Security	101,000
2035 - Soil Conservation	
Contractual Services	16,000
2040 - Copy Machine	
Contractual Services	3,455
Commodities	500
2041 - Microfilm	
Personal Services	9,153
Contractual Services	1,875
Commodities	350
2045 - Program Grants	
Contractual Services:	
Catholic Charities	2,000
Senior Spectrum	5,000
Youth and Family Services	13,000
Sebasticook Farms	5,000
Ken-A-Set Association for the Retarded	4,250
Crisis & Counseling Centers	2,000
Kennebec Valley Tourism Council	2,000
Kennebec Valley Mental Health Agency	4,000
2075 - Capital Reserve	
Capital Expenditures:	
Building	28,000

**TOTAL GENERAL FUND** \$2,958,352

; and be it further

**Sec. 3. Summary. Resolved:** That the figures appearing in this resolve represent the total amount of taxes and the total specific expenditures authorized for the calendar year 1993. The following is a summary of revenues and appropriations:

Total Appropriations \$2,958,352

Available Credits:

Estimated Revenue	\$297,620
Community Corrections	40,000

Total Available Credits 337,620

Amount to be Raised by Taxation \$2,620,732

; and be it further

**Sec. 4. Proceeds from drug seizures. Resolved:** That the expenditure of the proceeds from drug seizures that accrue to the Somerset County Sheriff's Department must be authorized in the same manner as other county expenditures.

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

Effective June 16, 1993.

## CHAPTER 36

### H.P. 1112 - L.D. 1508

#### **Resolve, to Abolish the Department of Human Services and the Department of Mental Health and Retardation and Create a New Department of Health and a New Department of Children and Families**

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

**Whereas,** the Legislature finds that health, social and developmental services must be reorganized for maximum efficiency and effectiveness; and

**Whereas,** Maine State Government must reflect the changes and restructuring that are occurring in the business community by centralizing administrative functions and combining fragmented services in a way that does not adversely affect the provision of services; and

**Whereas,** the transition process for reorganization must begin immediately; 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

**Sec. 1. Reorganization of health, social and developmental services. Resolved:** That, on July 1, 1994, the Department of Human Services and the Department of Mental Health and Mental Retardation are abolished and the functions of those agencies are reorganized functionally into a newly created Department of Children and Families and a newly created Department of Health, and are delegated to other existing State agencies as specified in this resolve. On July 1, 1994, the Commissioner of Mental Health and Mental Retardation becomes the Commissioner of Health and the Commissioner of Human Services becomes the Commissioner of Children and Families; and be it further

**Sec. 2. Health and Social Services Transition Team; creation. Resolved:** That the Health and Social Services Transition Team, referred to in this resolve as "the team," is established. The team shall develop all legislation needed to implement the reorganization of services in accordance with this resolve, including, but not limited to, amendments to the statutes, reallocation of funds and transitional language. The legislation must be presented to the Legislature by January 1, 1994 for consideration during the Second Regular Session of the 116th Legislature; and be it further

**Sec. 3. Content of legislation. Resolved:** That the legislation prepared by the team must provide for at least the following:

1. Abolition of the Department of Human Services and the Department of Mental Health and Mental Retardation;
2. Creation of the Department of Children and Families with the following bureaus: the Bureau of Child Welfare, the Bureau of Child and Family Services, the Bureau of Children with Special Needs and the Bureau of Income Assistance;
3. Creation of the Department of Health with the following bureaus: the Bureau of Mental Health, the Bureau of Mental Retardation, the Bureau of Community Health, the Bureau of Medical Quality Assurance and the Bureau of Elder and Adult Services;
4. Streamlined organization and administration of services, including, but not limited to, the elimination of service duplication, the consolidation of regulatory and other administrative functions, and the coordinated development of management and information systems;

5. Creation of a universal information and referral system for all health, social and educational services, including a single point of entry for families in need of services;

6. A single case management system within each of the new departments;

7. A single contracting, evaluation and licensing system within each of the new departments;

8. Emphasis on regional and community-based planning and delivery of services;

9. Authorization for the Department of Children and Families and the Department of Health to share resources such as, but not limited to, regional office space, data management services and payroll services; and

10. Any changes in juvenile correctional services that the team recommends after considering the report of the task force on juvenile corrections created pursuant to section 6; and be it further

**Sec. 4. Additional recommendations. Resolved:** That the team shall make recommendations regarding the following:

1. Whether services for people who are homeless or at risk of becoming homeless should be consolidated within one agency and, if so, which agency. In developing these recommendations, the team shall consult with the Interagency Task Force on Homelessness;

2. Where the Division of Disability Determination Services should be located;

3. Which of the new agencies should be responsible for determining Medicaid eligibility; and

4. Whether, given the new configuration of the departments, any change is needed in the existing advisory board structure; and be it further

**Sec. 5. Team process. Resolved:** That the team shall conduct its work in an open and accessible manner. The team shall consult the business community, private industry councils, consumers and consumer advocates, health care and social service providers, mental health and mental retardation treatment providers and advisory councils on health and social service issues. As time and resources permit, the team shall hold regional meetings and hearings to gather technical information and consider public policy issues; and be it further

**Sec. 6. Juvenile corrections task force. Resolved:** That, by July 1, 1993, the chair of the team shall appoint and convene a task force to determine whether juvenile correctional services should remain part of the

Department of Corrections or should be moved to the Department of Children and Families, recommend strategies to improve services for consumers of juvenile correctional services and increase the eligibility of juvenile correctional clients for 3rd-party payment of services. The task force must include parents of children receiving correctional services; representatives from community advocacy organizations involved in juvenile corrections issues; a representative from the Juvenile Justice Advisory Group; at least one representative from the educational policy advisory committee for the Arthur R. Gould School; representatives from the Department of Corrections, the Department of Human Services and other appropriate executive agencies; 2 members of the Joint Select Committee on Corrections, one member of the Joint Standing Committee on Human Resources and one member of the Joint Standing Committee on Judiciary.

The chair of the team shall call the first meeting, at which the members of the task force shall select a task force chair by majority vote. The task force must report its findings to the team by September 1, 1993. Copies of the task force report must be submitted to the Joint Select Committee on Corrections and the Joint Standing Committee on Human Resources.

For the purposes of this resolve, "juvenile correctional services" include juvenile detention, probation and parole, the Maine Youth Center and community-based juvenile programs; and be it further

**Sec. 7. Composition of the Health and Social Services Transition Team; chair. Resolved:** That the team must be created before July 1, 1993 and consists of the following members:

1. Five Legislators, appointed jointly by the President of the Senate and the Speaker of the House of Representatives:

A. Two of whom must serve on the Joint Standing Committee on Human Resources;

B. Two of whom must serve on the Joint Standing Committee on Education; and

C. One of whom must serve on the Joint Select Committee on Corrections;

2. Two representatives from the Department of Mental Health and Mental Retardation, appointed by the Commissioner of Mental Health and Mental Retardation;

3. Two representatives from the Department of Human Services, appointed by the Commissioner of Human Services;

4. Three members from constituency or advocacy groups concerned with health, mental health, social ser-

vices and homelessness issues, one appointed by the Governor and 2 appointed jointly by the President of the Senate and the Speaker of the House of Representatives;

5. Two representatives of providers of health, mental health and social services, one appointed by the Governor and one appointed jointly by the President of the Senate and the Speaker of the House of Representatives;

6. One representative from the Executive Department, appointed by the Governor; and

7. One member representing the public, appointed by the Governor, to serve as the chair of the team.

No expenses or reimbursement are authorized for members of the team. The Department of Human Services and the Department of Mental Health and Mental Retardation shall absorb the costs of preparing and distributing the team's report; and be it further

**Sec. 8. Assistance from agencies. Resolved:** That the following officials shall provide information, advice and assistance to the team upon request: the Commissioner of Human Services; the Commissioner of Corrections; the Commissioner of Education; the Commissioner of Mental Health and Mental Retardation; the Commissioner of Labor; the Commissioner of Economic and Community Development; the Director of the Office of Substance Abuse; the Director of the State Planning Office; the Director of the Maine State Housing Authority; and the chair of the Interagency Task Force on Homelessness. The team may request assistance from the Legislative Council to prepare the legislation required by this resolve.

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

Effective June 24, 1993.

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## CHAPTER 37

H.P. 1158 - L.D. 1557

### Resolve, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1993

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.