

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

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

Penmor Lithographers
Lewiston, Maine
2005

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "CART" means computer-assisted real-time transcription using specialized equipment to transcribe real-time word-for-word spoken English into written English that can be viewed on a computer screen or projected onto a large screen.

B. "CART provider" means a person who provides CART.

C. "Deaf person" means a person whose sense of hearing is nonfunctional for the purpose of communication and who must depend primarily upon visual communication.

D. "Hard-of-hearing person" means a person who has a hearing loss resulting in a functional loss, but not to the extent that the person must depend primarily upon visual communication.

E. "Licensed interpreter" means a person who provides sign language interpreting services and is licensed under Title 32, section 1524 or section 1524-B.

2. Licensed interpreter services or CART required for driver education. When a deaf or hard-of-hearing person is required to complete a driver education course and examination pursuant to section 1351 or 1352, the Secretary of State shall provide a licensed interpreter or CART provider to allow for completion of the driver education course and examination. Licensed interpreter services or CART provided under this section must be paid for by the Secretary of State.

Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.

SECRETARY OF STATE, DEPARTMENT OF

ADMINISTRATION - MOTOR VEHICLES 0077

Initiative: Allocates funds for the cost of providing certain services from licensed sign language interpreters.

HIGHWAY FUND	2005-06	2006-07
All Other	\$126,000	\$168,000
HIGHWAY FUND TOTAL	\$126,000	\$168,000

See title page for effective date.

CHAPTER 412

S.P. 608 - L.D. 1642

An Act To Further the Transition to the New Department of Health and Human Services

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

Sec. 1. 2 MRSA §6, sub-§2, as amended by PL 2003, c. 689, Pt. C, §3, is further amended to read:

2. Range 90. The salaries of the following state officials and employees are within salary range 90:

Superintendent of Financial Institutions;

State Tax Assessor;

Superintendent of Insurance;

Executive Director of the Maine Consumer Choice Health Plan;

~~Associate Commissioner for Programs, Department of Behavioral and Developmental Services;~~

~~Associate Commissioner of Administration, Department of Behavioral and Developmental Services;~~

~~Associate Commissioner for Systems Operations, Department of Behavioral and Developmental Services;~~

Deputy Commissioner, Department of Administrative and Financial Services;

Associate Commissioner for Adult Services, Department of Corrections;

Associate Commissioner for Juvenile Services, Department of Corrections;

Public Advocate;

~~Director, Bureau of Medical Services, Department of Human Services;~~

Deputy Commissioner of Integrated Services, Department of Health and Human Services;

Deputy Commissioner of Health, Integrated Access and Strategy, Department of Health and Human Services;

Chief Information Officer; and

Associate Commissioner for Legislative and Program Services, Department of Corrections.

Sec. 2. 2 MRSA §6, sub-§3, as amended by PL 2005, c. 12, Pt. SS, §2, is further amended to read:

3. Range 89. The salaries of the following state officials and employees are within salary range 89:

Director, Bureau of General Services;
 Director, Bureau of Alcoholic Beverages and Lottery Operations;
 State Budget Officer;
 State Controller;
 Director of the Bureau of Forestry;
 Chief of the State Police;
 Director, State Planning Office;
 Director, Energy Resources Office;
 Director of Human Resources;
~~Director, Bureau of Children with Special Needs;~~
 Commissioner of Defense, Veterans and Emergency Management;
 Director, Bureau of Parks and Lands; and
 Director of Econometric Research.

Sec. 3. 2 MRSA §6, sub-§11 is enacted to read:

11. Range 38. The salaries of the following state officials and employees are within salary range 38:

A. Deputy Commissioner of Finance, Department of Health and Human Services; and
B. Deputy Commissioner of Operations and Support, Department of Health and Human Services.

Sec. 4. 5 MRSA §946-A, sub-§1, as enacted by PL 2003, c. 689, Pt. C, §6, is amended to read:

1. Major policy-influencing positions. The following positions are major policy-influencing positions within the Department of Health and Human Services. Notwithstanding any other provisions of law, these positions and their successor positions are subject to this chapter:

~~A. Deputy commissioners;~~ The 4 deputy commissioner positions:

(1) The Deputy Commissioner of Integrated Services;

(2) The Deputy Commissioner of Health, Integrated Access and Strategy;

(3) The Deputy Commissioner of Finance; and

(4) The Deputy Commissioner of Operations and Support;

~~B. Associate commissioners;~~

~~C. Bureau directors and division directors;~~

C-1. Director, Office of MaineCare Services;

C-2. Director, Office of Integrated Access and Support;

C-3. State Health Officer and Director, Maine Center for Disease Control and Prevention;

C-4. Director, Office of Adult Mental Health Services;

C-5. Director, Office of Adults with Cognitive and Physical Disability Services;

C-6. Director, Office of Child and Family Services;

C-7. Director, Office of Elder Services;

C-8. Director, Office of Substance Abuse Services;

~~D. Assistant deputy commissioners;~~

~~E. Regional directors;~~

E-1. System integration directors;

~~F. Directors Superintendents of Bangor Mental Health Institute and Riverview Psychiatric Center; and~~

~~G. Director of legal affairs; or general counsel;~~

H. Director of Legislative Affairs;

I. Director of Public and Employee Communication;

J. Directors of special projects;

K. Chief Information Officer; and

L. Director of Strategic Human Resources Management and Organizational Development.

Sec. 5. 22-A MRSA §201, sub-§2, as enacted by PL 2003, c. 689, Pt. A, §1, is amended to read:

2. Units. The department consists of the ~~bureaus and divisions~~ following units necessary to carry out the work of the department:

A. The Health, Integrated Access and Strategy Unit, which includes:

- (1) The Office of MaineCare Services;
- (2) The Maine Center for Disease Control and Prevention, which includes minority health services; and
- (3) The Office of Integrated Access and Support;

B. The Operations and Support Unit;

C. The Finance Unit, which includes:

- (1) The Office of Budget Planning and Analysis;
- (2) The Office of Audit for MaineCare and Social Services; and
- (3) The Office of Accounting and Cash Management; and

D. The Integrated Services Unit, which includes:

- (1) The Office of Adult Mental Health Services;
- (2) The Office of Adults with Cognitive and Physical Disability Services;
- (3) The Office of Advocacy Services;
- (4) The Office of Child and Family Services;
- (5) The Office of Elder Services;
- (6) The State Forensic Service;
- (7) The Office of Substance Abuse Services; and
- (8) The Office of Integrated Services Quality Improvement.

Sec. 6. 22-A MRSA §205, sub-§§3 and 4, as enacted by PL 2003, c. 689, Pt. A, §1, are amended to read:

3. Employees. The commissioner may employ personnel as necessary to carry out the work of the department. All personnel of the department are under the immediate supervision, direction and control of the commissioner. Department personnel must be employed subject to the Civil Service Law, except for ~~deputy commissioners, associate commissioners,~~

~~assistant deputy commissioners, bureau directors, the director of legal affairs, regional directors, the director of Bangor Mental Health Institute and the director of Riverview Psychiatric Center positions subject to appointment by the commissioner under subsection 4.~~

4. Appointments. The following positions are ~~appointed by the commissioner may appoint deputy commissioners, associate commissioners, assistant deputy commissioners, bureau directors, the director of legal affairs, regional directors, the director of Bangor Mental Health Institute and the director of Riverview Psychiatric Center, who and~~ serve at the pleasure of the commissioner. ~~These positions are unclassified, major policy influencing positions as specified in Title 5, sections 931 and 946 A. A bureau director appointed pursuant to this subsection must have educational qualifications and professional experience directly related to the functions of and services provided by the bureau;~~

A. The Deputy Commissioner of Integrated Services;

B. The Deputy Commissioner of Health, Integrated Access and Strategy;

C. The Deputy Commissioner of Finance;

D. The Deputy Commissioner of Operations and Support;

E. The Director of the Office of MaineCare Services;

F. The Director of the Maine Center for Disease Control and Prevention;

G. The Director of the Office of Integrated Access and Support;

H. The Director of the Office of Adult Mental Health Services;

I. The Director of the Office of Adults with Cognitive and Physical Disability Services;

J. The Director of the Office of Child and Family Services;

K. The Director of the Office of Elder Services;

L. The Director of the Office of Substance Abuse Services;

M. The regional system integration directors;

N. The Director of Bangor Mental Health Institute; and

O. The Director of Riverview Psychiatric Center.

Deputy commissioners and office directors appointed pursuant to this subsection must have educational qualifications and professional experience directly related to the functions of and services provided by the relevant unit or office.

Sec. 7. Department's accounting structure. On or before October 1, 2005, the Commissioner of Health and Human Services shall submit to the Governor, the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Appropriations and Financial Affairs a plan to create a new budget and financial management system and reporting structure for the Department of Health and Human Services. The recommended structure must address security and authority issues, reporting administration, position administration, performance budget administration, biennial budget issues, budget document issues and annual reports issues. The commissioner shall invite the following or their designees to join a working group to aid in the preparation of the new budget and financial management structure: the department's Deputy Commissioner of Finance, the State Budget Officer, the State Controller, the Director of the Office of Fiscal and Program Review and the Director of the Office of Policy and Legal Analysis.

Sec. 8. Functions and duties; rules, guidelines, policies and manuals. Notwithstanding any provision of law to the contrary and in accordance with Public Law 2003, chapter 689, the units established within the Department of Health and Human Services pursuant to the Maine Revised Statutes, Title 22-A, section 201, subsection 2 shall assume the functions and the duties of the bureaus, divisions and offices established under Title 22 and Title 34-B and the Office of Substance Abuse established under Title 5, chapter 521. Notwithstanding Title 5, chapter 375 and in accordance with Public Law 2003, chapter 689, Part B, section 1, all rules, guidelines, policies, manuals and similar documents adopted by or distributed by either the former Department of Human Services or the former Department of Behavioral and Developmental Services that are in effect as of the effective date of this Act remain in effect until rescinded, revised or amended, without regard to references therein to departmental offices, bureaus, divisions, units or employee titles or classifications that may no longer exist or that may be changed in the future.

Sec. 9. Personal services appropriation and allocation transfers. Available balances of personal services appropriations and allocations in fiscal year 2005-06 within the Department of Health and Human Services that are identified as savings resulting from the merger of the former Department of Human Services and the former Department of Behavioral and Developmental Services may be

transferred within the personal services line category within the same fund by financial order upon the recommendation of the State Budget Officer and approval of the Governor. The purpose of these transfers must be to provide permanent, ongoing funding for the pay range reallocation of positions to achieve pay equity. The Commissioner of Health and Human Services shall provide a report to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Appropriations and Financial Affairs no later than January 15, 2006 on all amounts transferred under this section.

Sec. 10. Report on merger goals and achievement of benchmarks. The Commissioner of Health and Human Services shall report according to the schedule established in this section to the joint standing committee of the Legislature having jurisdiction over health and human services matters on progress towards goals and benchmarks adopted by the committee for the merger of the former Department of Human Services and the former Department of Behavioral and Developmental Services. In January 2006, the commissioner shall present proposed outcomes and specific benchmarks to be used to evaluate the success of the merger in achieving those goals for review by the committee. The commissioner shall provide subsequent regular updated reports to the committee at least once every 6 months in 2006 and 2007 on the progress of the department in achieving the identified goals, outcomes and benchmarks. Each report must also include a review of the pay range reallocations undertaken to achieve pay equity, progress in achieving the colocation goals of the department and the number of vacant positions and acting or temporary appointments within the department.

Sec. 11. Review of advocacy and ombudsman issues. The child welfare ombudsman program established in the Maine Revised Statutes, Title 22, section 4087-A, the long-term care ombudsman program established pursuant to Title 22, section 5106, subsection 11-C and the Office of Advocacy within the Department of Health and Human Services shall work collaboratively to develop recommendations to maximize their independence, effectiveness and ability to provide consumer advocacy and ombudsman services and long-term budget stability. Those entities shall report their recommendations to the Joint Standing Committee on Health and Human Services no later than February 15, 2006. The committee may report out a bill regarding the ombudsman and advocacy programs to the Second Regular Session of the 122nd Legislature.

See title page for effective date.
