

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
117TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
STATE AND LOCAL GOVERNMENT

AUGUST 1995

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**ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
FIRST REGULAR SESSION**

**SUMMARY OF LEGISLATION BEFORE  
THE JOINT STANDING COMMITTEES**

**AUGUST 1995**

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries. The publication, History and Final Disposition of Legislative Documents, is helpful in determining to which committee any particular bill was referred.

In this document, the committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number, together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various categories of final action are abbreviated as follows:

<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House &amp; Senate disagree; bill died</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not to Pass report accepted</i>
<i>P&amp;S XXX</i>	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of enacted Resolve</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

These summaries were prepared by the analyst or analysts assigned to the committee. If more detailed information is needed on a bill, contact the committee analyst.

5581LHS

**SPONSOR(S)**  
BRENNAN**COMMITTEE REPORT**  
ONTP**AMENDMENTS ADOPTED****SUMMARY**

In Part A this bill establishes a Department of Health and Family Services. The department assumes fully the duties of the current Department of Human Services and Department of Mental Health and Mental Retardation. The department consists of 5 bureaus: the Bureau of Child and Family Services, the Bureau of Health, the Bureau of Income Maintenance, the Bureau of Juvenile Corrections and the Bureau of Long-term Services. The department includes a Division of Substance Abuse, bringing into the department the current Office of Substance Abuse.

In Part B this bill transfers from the Department of Human Services and the Department of Mental Health and Mental Retardation to the Department of Health and Family Services all of the expenditures, assets, liabilities, appropriations and allocations, rules, contracts and agreements, records, property and employees. It directs the Revisor of Statutes to make any statutory corrections necessary to consistency of the statutes.

In Part C this bill directs transitional activities concerning the budget and the functions of the Department of Human Services and the Department of Mental Health and Mental Retardation. It directs the joint standing committee of the Legislature having jurisdiction over human resource matters to submit legislation needed to correct errors and inconsistencies.

In Part D this bill amends the Maine Revised Statutes, Title 2 and Title 5 as required to establish the Department of Health and Family Services.

In Part E this bill amends Title 22 as required to transfer functions from the Department of Human Services to the Department of Health and Family Services.

In Part F this bill amends Title 34-B as required to transfer functions from the Department of Mental Health and Mental Retardation to the Department of Health and Family Services.

In Part G this bill corrects cross-references in Title 5.

In Part H this bill corrects cross-references in Title 34-B.

In Part I this bill transfers the Office of Substance Abuse from the Executive Department to the Department of Health and Family Services.

In Parts J and K this bill transfers from the Office of Substance Abuse to the Department of Health and Family Services all of the expenditures, assets, liabilities, appropriations and allocations, rules, contracts and agreements, records, property and employees. It directs the Revisor of Statutes to make any statutory corrections necessary to consistency of the statutes. It directs transitional activities concerning the budget and the functions of the Office of Substance Abuse and the Department of Health and Family Services. It directs the joint standing committee of the Legislature having jurisdiction over human resource matters to submit legislation needed to correct errors and inconsistencies.

In Parts L, M and N this bill transfers all juvenile corrections functions from the Department of Corrections to the Department of Health and Family Services.

An Office of Advocacy is retained in the Department of Corrections and one for juvenile corrections is established in the Department of Health and Family Services. Juvenile delinquency prevention is limited to youths who have not been alleged to have committed a crime and is placed in the chapter dealing with child and family services. The remainder of the juvenile corrections functions are placed in a Bureau of Juvenile Corrections. Divisions are created for planning, probation, aftercare and facilities. The Juvenile Justice Advisory Group is given the total planning function for juvenile corrections and clarification is made that that group's implementation authority and the bureau's supervisory authority over planning is limited to the 3-year Comprehensive State Plan required by federal law and that the bureau's expenditure authority relative to outside funds is subject to group approval.

In Parts O and P this bill requires that in the first 2 years that the Department of Health and Family Services is responsible for juvenile corrections that the budget for staffing at the Maine Youth Center be reduced by 25% in the first year and 25% more in the 2nd year from the funding level in fiscal year 1995-1996. The amount of the reduction must be appropriated for the Bureau of Juvenile Corrections to contract with providers of community services to increase efforts in delinquency prevention, probation and aftercare.

This bill transfers from the Department of Corrections to the Department of Health and Family Services all of the expenditures, assets, liabilities, appropriations and allocations, rules, contracts and agreements, records, property and employees attributable to functions transferred to the Department of Health and Family Services. It directs the Revisor of Statutes to make any statutory corrections necessary to consistency of the statutes. It directs transitional activities concerning the budget and the functions of the departments involved. It directs the joint standing committee of the Legislature having jurisdiction over human resource matters to submit legislation needed to correct errors and inconsistencies.

In Part Q this bill establishes regional interdepartmental councils, modeled on the Interdepartmental Council established pursuant to Title 5, section 12004-L, subsection 9. The councils are funded by the participating agencies in proportion to their appropriations from the General Fund to the extent of \$1,000,000 per year per council. The effective date of the Part is November 1, 1995.

In Part R this bill transfers the Office of Rehabilitation Services from the Department of Education to the Department of Health and Family Services. The effective date of the Part is July 1, 1996.

In Part S this bill corrects cross-references and amends laws concerning the Office of Rehabilitation Services and enacts transition provisions. The effective date of this Part is July 1, 1996.

**LD 1348 An Act to Reform the Process of Periodic Review of Programs and Agencies**

PUBLIC 488

**SPONSOR(S)**  
ROBICHAUD

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-516

**SUMMARY**

This bill amends the State Government Evaluation and Justification Act. It authorizes legislative committees of jurisdiction to perform an initial review of each agency in accordance with a suggested schedule for review. The committee of jurisdiction submits a report of its recommendations to the Joint Standing Committee on Appropriations and Financial Affairs for consideration during the budget process. Following review of the committee of jurisdiction's report, the Joint Standing Committee on Appropriations and Financial Affairs may introduce legislation to implement necessary changes in the operations of the agency reviewed. The bill makes changes in the current schedule for agency review to permit the Legislature to adopt necessary rules and adjust its procedures prior to implementation of the new procedures established by this bill.