

**CHAPTER 1473****BUREAU OF RESOURCE DEVELOPMENT****§5308. Office of Child and Family Services**

There is within the Department of Health and Human Services the Office of Child and Family Services. The office must be a separate, distinct administrative unit that is not integrated in any way as a part or function of any other administrative unit of the department. The office is equal in organizational level and status with other major organizational units within the department or its successors. The office is under the immediate and full supervision of the commissioner or the chief officer of whatsoever unit succeeds the department. [PL 2023, c. 405, Pt. A, §71 (AMD).]

It is the intent of this Part that the office function as a central office administrative unit of the department and that the powers, duties, authority and responsibility of the office may not be delegated, decentralized or assigned to regional, local or other units of the department, except as provided in this section and section 6108. Regarding any portion of this Part and Part 2 that relate to provision of services directly to eligible people through staff employed subject to the Civil Service Law by the department or other organizational units of State Government, the office may carry out its powers and duties through regional or other administrative units of the department or State Government. [PL 2023, c. 405, Pt. A, §71 (AMD).]

Regarding any portion of this Part and Part 2 that relate to development, execution and monitoring of agreements, the office shall carry out its powers and duties directly with public or private, nonprofit agencies without acting through other administrative units of the department as intermediaries, except as provided in section 6108. Functions relating to agreements do not require the approval of any other unit of the department, except as the office is responsible and accountable to the commissioner and except as provided by section 6108. [PL 2023, c. 405, Pt. A, §71 (AMD).]

The office is the sole agency of State Government responsible for administration of this Part and Part 2 subject to the direction of the commissioner. The office shall fully coordinate with appropriate state agencies and fully utilize existing support services. [PL 2013, c. 368, Pt. CCCC, §6 (AMD).]

**SECTION HISTORY**

PL 1973, c. 793, §12 (NEW). PL 1975, c. 293, §3 (AMD). PL 1979, c. 541, §A155 (AMD). PL 1981, c. 10, §2 (AMD). PL 1985, c. 785, §B96 (AMD). PL 1989, c. 400, §§11,14 (AMD). PL 1991, c. 824, §A48 (AMD). PL 2003, c. 689, §B6 (REV). PL 2013, c. 368, Pt. CCCC, §6 (AMD). PL 2023, c. 405, Pt. A, §71 (AMD).

**§5309. Director**

The bureau is administered by a director. [PL 2007, c. 539, Pt. N, §40 (AMD).]

The director must be a person qualified by training and experience with human services or by satisfactory experience of a comparable nature in the direction, organization and administration of public or private human services. The director must be immediately and fully responsible to the commissioner and may not be partially or indirectly responsible to any other official of the department. [PL 2023, c. 405, Pt. A, §72 (AMD).]

The director shall serve full time in a position that is separate from and not integrated in any way with another position in the department. The director may not concurrently hold another title and shall perform duties solely germane to the powers and duties pursuant to this Part and Part 2. [RR 2021, c. 2, Pt. B, §213 (COR).]

The director has full authority and responsibility for administering all the powers and duties of the bureau provided in section 5310, subject to the direction of the commissioner and except as otherwise provided in section 6108. [PL 2023, c. 405, Pt. A, §72 (AMD).]

The director shall assume and discharge all responsibilities vested in the bureau. The director may not in any case assign to another unit of the department that is not responsible to the director any power or duty granted to the bureau by statute, or by rules or procedures adopted pursuant to this Part and Part 2. [RR 2021, c. 2, Pt. B, §214 (COR).]

The director may employ, subject to the Civil Service Law and within the limits of available funds, competent professional personnel and other staff necessary to carry out the purposes of this Part and Part 2. The director shall prescribe the duties of the staff and assign a sufficient number of staff full time to the bureau to achieve its powers and duties. Regarding the provision of human services by the bureau directly to eligible people, the director may arrange to house staff or assign staff who are responsible to the director to regional or other units of the department or State Government. Regarding the development, execution and monitoring of agreements, the director may not house nor assign staff to any other unit of the department or State Government. Such staff shall report solely and directly to the director. [PL 2023, c. 405, Pt. A, §72 (AMD).]

#### SECTION HISTORY

PL 1973, c. 793, §12 (NEW). PL 1975, c. 771, §232 (AMD). PL 1979, c. 541, §A156 (AMD). PL 1985, c. 785, §B97 (AMD). PL 2007, c. 539, Pt. N, §40 (AMD). RR 2021, c. 2, Pt. B, §§213-215 (COR). PL 2023, c. 405, Pt. A, §72 (AMD).

#### §5310. Powers and duties

The bureau shall establish in accordance with the purposes and intent of this Part and Part 2, subject to the direction of the commissioner, the overall planning, policy, objectives and priorities for all functions and activities relating to human services, including services to older people funded by Title IV or Title VI, or their successors or amendments or additions thereto of the United States Social Security Act, as amended, and excepting all other services to older people that are conducted or supported in the State. In order to carry out the above, the bureau has the power and duty to: [PL 2023, c. 405, Pt. A, §73 (AMD).]

1. Encourage and assist development of more effective and more coordinated use of existing and new resources and social services available to Maine's residents;  
[PL 1973, c. 793, §12 (NEW).]
2. Serve as a clearinghouse for information related to the field of social services and gather knowledge and statistics on social services, using existing sources of knowledge and data to the fullest extent possible;  
[PL 1973, c. 793, §12 (NEW).]
3. Prepare, publish and disseminate educational materials dealing with social services for Maine's citizens;  
[PL 1973, c. 793, §12 (NEW).]
4. Convene and conduct conferences of such authorities and officials of public and private nonprofit organizations concerned with the development and operation of social service programs intended to benefit citizens as the director deems necessary or proper for the development and implementation of the intent and objectives of this Part and Part 2;  
[PL 1973, c. 793, §12 (NEW).]
5. Provide or coordinate the provision of information, technical assistance and consultation about the field of social services to public and private nonprofit organizations and provide such help in accord with the intent and objectives of this Part and Part 2;

[PL 1973, c. 793, §12 (NEW).]

6. Coordinate and assist in the planning, development and establishment by public or private nonprofit organizations of social service, programs intended to benefit residents and which are in accord with the intent and objectives of this Part and Part 2. It is the intent of the Legislature that, in exercising this duty, the bureau shall take action to preclude the development or conduct of services which result in duplication of functions or activities funded in whole or Part by the Priority Social Services Act of 1973 or Titles IV and VI, or their successors or amendments or additions thereto, of the U.S. Social Security Act, as amended;

[P&SL 1975, c. 90, §C, §5 (AMD).]

7. Function as the organizational unit of State Government with the sole responsibility for conducting and coordinating, subject to the direction of the commissioner, functions assigned to it by the commissioner, and functions authorized by this Part and Part 2 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 United States Acts, amendments and successors to them as relate to human services, including services to older people funded by Titles IV and VI, or their successors or amendments or additions thereto of the United States 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 [PL 1973, c. 793, §12 (NEW).]

B. Title IV and VI, in their entirety, of the United States Social Security Act, as amended. [PL 1973, c. 793, §12 (NEW).]

The bureau is designated as the single agency of State Government solely responsible for administering, subject to the direction of the commissioner, any state plans as may be required by the above Acts, and for administering programs or Acts of the State or United States relating to such human services that are not the specific responsibility of another state agency under state or federal law;

[PL 2023, c. 405, Pt. A, §74 (AMD).]

8. Assist the legislative and executive branches of State Government, especially the Governor, commissioner and Bureau of the Budget, to coordinate all government efforts relating to human services, except services to older people, by:

A. Submitting to each branch of State Government no later than September 1st of each year an annual report covering its activities for the immediately past fiscal year and future plans; [PL 2023, c. 405, Pt. A, §75 (AMD).]

B. Reviewing all proposed legislation, fiscal activities, plans, policies and other administrative functions relating to the human services made by or requested of all state agencies. The bureau has the authority to submit to those bodies findings, comments and recommendations, which are advisory. The findings and comments must recommend what modification in proposals or actions must be taken to make proposed legislation, fiscal activities and administrative activities consistent with such policies and priorities; and [PL 2023, c. 405, Pt. A, §75 (AMD).]

C. Making recommendations to the respective branches of State Government related to improving the quality of such human services and consulting with and being consulted by all responsible state agencies regarding the policies, priorities and objectives of functions related to human services; [PL 2023, c. 405, Pt. A, §75 (AMD).]

[PL 2023, c. 405, Pt. A, §75 (AMD).]

9. Carry on a continuing evaluation of the social services programs and activities affecting Maine's residents, to determine the needs and priorities for types of social services; the types of services available; the number, location and characteristics of people served by each type of service; the amount, type and source of resources supporting types of services, the administrative adequacy and capacity of

social service agencies; and the quality and quantity of types of social services; as well as to determine the value and impact of programs operated by or administered with the assistance of the State and Federal Governments; including social services as authorized by this and the several Acts and amendments to them enacted by the People of the State of Maine; and those authorized by these United States Acts and amendments to them; the Social Security Act of 1935, the Economic Opportunity Act of 1965, and similar Acts. Such human services to be included, but to which the bureau is not limited, are those relating to education, employment and vocational services, income, health, housing, community, mental health, adult developmental, social, transportation and rehabilitation services for people, except older people. Maintaining statistical information through use of uniform methods, which are reasonable, feasible and economically efficient, must be specified for use by public and private agencies, organizations and individuals assisted by state or federal funds pursuant to this Part; [PL 2011, c. 542, Pt. A, §42 (AMD).]

**10.** Prepare, adopt and administer policies, priorities, procedures, rules and regulations to govern its affairs and the development and operation of programs and activities conducted under the authority and in accordance with the purpose and objectives of this Part and Part 2, especially such rules and regulations as may be necessary to carry out the designation of beneficiaries in section 6112, and to define contractual terms, conditions of agreements, quality of performance standards and such other rules as are necessary; [PL 1973, c. 793, §12 (NEW).]

**11.** Provide for the coordination of state and federal programs and activities related to social services in accord with the purpose and objectives of this Part and Part 2; [PL 1973, c. 793, §12 (NEW).]

**12.** Administer in accordance with the intent and objectives of this Part and Part 2, or within any limitation which may apply from the sources of such funds, any funds from any source for the benefit of Maine's residents in need of social services; [PL 1973, c. 793, §12 (NEW).]

**13.** Assist the commissioner in all matters pertaining to social services; [PL 1973, c. 793, §12 (NEW).]

**14.** Develop, in cooperation with other agencies, a plan for meeting the needs for trained personnel in the field of social services and for training persons for carrying out social services related to the intent and objectives of this Part and Part 2, and conduct and provide for the conducting of such training; [PL 1973, c. 793, §12 (NEW).]

**15.** Perform other functions necessary to the powers and duties expressly stated in this Part and Part 2. [PL 1973, c. 793, §12 (NEW).]

#### SECTION HISTORY

PL 1973, c. 793, §12 (NEW). P&SL 1975, c. 90, §§SEC.C,5 (AMD). PL 2011, c. 542, Pt. A, §42 (AMD). PL 2023, c. 405, Pt. A, §§73-75 (AMD).

#### **§5311. Office of Child Care Coordination (REPEALED)**

#### SECTION HISTORY

PL 1985, c. 476 (NEW). PL 1989, c. 400, §§12,14 (AMD). PL 1993, c. 158, §3 (RP).

#### **§5312. Head Start**

The Head Start program is administered by the Division of Purchased and Support Services. [PL 1995, c. 502, Pt. D, §10 (AMD).]

## SECTION HISTORY

PL 1991, c. 780, §DDD13 (NEW). PL 1995, c. 502, §D10 (AMD).

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