

**CHAPTER 1477**

**COMMUNITY SERVICES**

**§5321. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1991, c. 780, Pt. DDD, §14 (NEW).]

**1. Bureau.**

[PL 1995, c. 502, Pt. D, §11 (RP).]

**2. Community action agency.** "Community action agency" means a private nonprofit agency that has previously been designated by and authorized to accept funds from the Federal Community Services Administration under the United States Economic Opportunity Act of 1964.

[PL 1991, c. 780, Pt. DDD, §14 (NEW).]

**3. Director.** "Director" means the director of the division.

[PL 1995, c. 502, Pt. D, §12 (AMD).]

**3-A. Division.** "Division" means the Division of Purchased and Support Services within the department.

[PL 1995, c. 502, Pt. D, §13 (NEW).]

**4. Poverty level.** "Poverty level" means the official poverty level issued by the Director of the United States Office of Management and Budget.

[PL 1991, c. 780, Pt. DDD, §14 (NEW).]

**5. Service area.** "Service area" means the geographical area within the jurisdiction of a community action agency.

[PL 1991, c. 780, Pt. DDD, §14 (NEW).]

**SECTION HISTORY**

PL 1991, c. 780, §DDD14 (NEW). PL 1995, c. 502, §§D11-13 (AMD).

**§5322. Division responsibilities**

The division shall carry out the responsibilities of State Government related to planning and financing community services and community action agencies and shall administer state and federal community services programs and other block grants that may be available, including, but not limited to, the Community Services Block Grant. [PL 1995, c. 502, Pt. D, §14 (AMD).]

**SECTION HISTORY**

PL 1991, c. 780, §DDD14 (NEW). PL 1995, c. 502, §D14 (AMD).

**§5323. Powers and duties**

**1. Federal, state and other funds.** Through plans and contracts, the division shall obtain, distribute and administer federal, state and other community services funds. Balances of funds appropriated to the division to carry out the purposes of this chapter may not lapse, but must be carried forward from year to year to be expended for the same purpose.

[PL 1995, c. 502, Pt. D, §14 (AMD).]

**2. Monitoring of poverty level.** The division shall monitor the poverty level of state citizens and carry out the following activities:

- A. Conduct an annual survey of poverty in Maine, reporting the results of this survey to the Governor, the Legislature and the public; [PL 1991, c. 780, Pt. DDD, §14 (NEW).]
- B. Make recommendations annually to the Governor and the Legislature on ways and means to combat and reduce poverty in the State; [PL 1991, c. 780, Pt. DDD, §14 (NEW).]
- C. Seek federal, state and private funds to combat poverty in the State; and [PL 1991, c. 780, Pt. DDD, §14 (NEW).]
- D. Advise the Governor, the Legislature and local officials on the impact of state and local policies on poverty in the State. [PL 1991, c. 780, Pt. DDD, §14 (NEW).]  
[PL 1995, c. 502, Pt. D, §14 (AMD).]

**3. Overseeing community action agencies.** The division shall oversee community action agencies as follows.

- A. The division shall designate community action agencies every 7 years in accordance with the requirements of this chapter. [PL 1995, c. 502, Pt. D, §14 (AMD).]
- B. The division shall establish audit requirements in accordance with the Human Services Community Agency Accounting Practices Act. [PL 1995, c. 502, Pt. D, §14 (AMD).]
- C. The division shall evaluate community action agencies every 3 years. [PL 1995, c. 502, Pt. D, §14 (AMD).]  
[PL 1995, c. 502, Pt. D, §14 (AMD).]

**4. Planning and coordination for state services.** The division shall provide planning and coordination for state services to people with low income.  
[PL 1995, c. 502, Pt. D, §14 (AMD).]

**5. Technical assistance.** The division shall provide technical assistance to community action agencies and other groups serving the interests of people with low income in this State.  
[PL 1995, c. 502, Pt. D, §14 (AMD).]

**6. Monitoring local program operators.** The division shall monitor subgrantees to ensure conformance with appropriate rules.  
[PL 1995, c. 502, Pt. D, §14 (AMD).]

## SECTION HISTORY

PL 1991, c. 780, §DDD14 (NEW). PL 1995, c. 502, §D14 (AMD).

### §5324. Community action agencies

**1. Designation.** Community action agencies must be designated by the division to carry out the purposes of this chapter. In making these designations, the division shall solicit and consider comments from other state agencies or authorities that operate programs in which community action agencies participate. These designations are for 7 years.  
[PL 1995, c. 502, Pt. D, §14 (AMD).]

**2. Designation withdrawn.** The division may withdraw its designation of a community action agency after an evaluation in which the agency has demonstrated substantial incompetency and a clear inability to carry out the purposes of this chapter, unless there is or has been financial malfeasance, which may be cause for immediate withdrawal of designation. In performing these evaluations, the division shall solicit and consider comments from other state agencies or authorities that operate programs in which the community action agency participates.

The division shall notify an agency of a pending withdrawal of designation. Upon notification, the agency has up to 6 months to take corrective action, at which time a designation withdrawal evaluation must be performed by the division. Failure to pass this evaluation means immediate loss of designation.

Upon the final order from the division that rescinds a community action agency's designation, the community action agency may file a petition for review of this final decision in the appropriate Superior Court within 30 days under the Maine Rules of Civil Procedure, Rule 80B. [PL 1995, c. 502, Pt. D, §14 (AMD).]

**3. Community action agencies.** Community action agencies have the power and duty to:

A. Develop information regarding the causes and conditions of poverty in the service area; [PL 1991, c. 780, Pt. DDD, §14 (NEW).]

B. Determine how much and how effectively assistance is being provided to deal with those causes and conditions; [PL 1991, c. 780, Pt. DDD, §14 (NEW).]

C. Establish priorities among projects, activities and areas as needed for the best and most efficient use of available resources; [PL 1991, c. 780, Pt. DDD, §14 (NEW).]

D. Develop, administer and operate programs to reduce poverty with particular emphasis on self-help approaches and programs to promote economic opportunities through affirmative action; [PL 1991, c. 780, Pt. DDD, §14 (NEW).]

E. Initiate, sponsor and provide programs and services responsive to the needs of the poor that are not otherwise being met; [PL 1991, c. 780, Pt. DDD, §14 (NEW).]

F. Promote interagency cooperation and coordination of all services and activities in the service area that are related to the purposes of this chapter; [PL 1991, c. 780, Pt. DDD, §14 (NEW).]

G. Establish effective procedures by which the poor and other concerned area residents may influence the character of programs affecting their interests, provide for their regular participation in the implementation of those programs and provide technical and other support needed to enable low-income and neighborhood groups to secure on their own behalf available assistance from public and private sources; [PL 1991, c. 780, Pt. DDD, §14 (NEW).]

H. Join with and encourage business, labor and other private groups and organizations to undertake, together with private officials and agencies, activities in support of the purposes of this chapter that will result in the increased use of private resources and capabilities in providing social and economic opportunities to low-income citizens; [PL 1991, c. 780, Pt. DDD, §14 (NEW).]

I. Enter into contracts with federal, state and local public agencies and private agencies and organizations, businesses and individuals as necessary to carry out the purposes of this chapter; and [PL 1991, c. 780, Pt. DDD, §14 (NEW).]

J. Receive funds from federal, state and local public and private sources as appropriate to carry out the purposes of this chapter. [PL 1991, c. 780, Pt. DDD, §14 (NEW).]

[PL 1991, c. 780, Pt. DDD, §14 (NEW).]

#### SECTION HISTORY

PL 1991, c. 780, §DDD14 (NEW). PL 1995, c. 502, §D14 (AMD).

#### §5325. Governing board for community action agency

**1. Board of directors; establishment.** Each community action agency shall establish a governing board of directors, which must consist of not less than 15 nor more than 30 members. One third of the members must be representatives of low-income residents of the service area who are selected through a democratic process in accordance with guidelines established by the bureau. One third of the members must be elected public officials or their designees or officials of public agencies operating in the service area. One third of the members must be representatives of private sector organizations, including business and industry, as well as educational, civic, labor and religious organizations. All meetings of the board of directors must be in accordance with the freedom of access laws.

[PL 1991, c. 780, Pt. DDD, §14 (NEW).]

**2. Responsibilities.** A community action agency board of directors is responsible for the following:

A. Overall direction, oversight and development of policies of the agency; [PL 1991, c. 780, Pt. DDD, §14 (NEW).]

B. Selection, evaluation and dismissal of the executive director of the community action agency; [PL 1991, c. 780, Pt. DDD, §14 (NEW).]

C. Approval of all contracts; [PL 1991, c. 780, Pt. DDD, §14 (NEW).]

D. Approval of all agency budgets; [PL 1991, c. 780, Pt. DDD, §14 (NEW).]

E. Performance of an annual audit by an independent, qualified outside auditor. The audit must be submitted upon completion to the bureau; [PL 1991, c. 780, Pt. DDD, §14 (NEW).]

F. Convening public meetings to provide low-income and other citizens of the service area the opportunity to comment upon policies and programs of the community action agencies; and [PL 1991, c. 780, Pt. DDD, §14 (NEW).]

G. Evaluate agency programs and assess community and agency needs. [PL 1991, c. 780, Pt. DDD, §14 (NEW).]

[PL 1991, c. 780, Pt. DDD, §14 (NEW).]

#### SECTION HISTORY

PL 1991, c. 780, §DDD14 (NEW).

#### §5326. Programs

All programs administered by community action agencies must conform with federal and state laws and regulations. Applicants for programs and assistance must be promptly notified of their rights and responsibilities when they qualify for or are denied services. [PL 1991, c. 780, Pt. DDD, §14 (NEW).]

#### SECTION HISTORY

PL 1991, c. 780, §DDD14 (NEW).

#### §5327. Allocation of Community Services Block Grant funds

**1. Distribution of Community Services Block Grant funds.** In accordance with Title 5, section 1670, the division shall administer and distribute to community action agencies Community Services Block Grant funds received from the Federal Government. The division may expend up to but not more than 5% of the block grant per fiscal year to carry out its administrative functions under this chapter.

[PL 1995, c. 502, Pt. D, §14 (AMD).]

**2. Community action agencies; priority.** Of the amount passed through to local agencies, community action agencies must receive first priority in the allocation of Community Services Block Grant funds. These funds must be distributed according to a formula determined annually as follows.

A. Twenty percent of the amount passed through to local agencies must be divided equally among all designated agencies. [PL 1991, c. 780, Pt. DDD, §14 (NEW).]

B. The balance of the funds must be distributed according to rules adopted by the division. [PL 1995, c. 502, Pt. D, §14 (AMD).]

[PL 1995, c. 502, Pt. D, §14 (AMD).]

**3. Block grant proposals.** Proposals for Community Services Block Grant funds submitted to the Legislature by the division in accordance with Title 5, section 1670 must be developed and must:

A. Include a description of current allocation of Community Services Block Grant funds and how the plan proposes to change that allocation; [PL 1991, c. 780, Pt. DDD, §14 (NEW).]

B. Retain the absolute minimum necessary for administrative costs; and [PL 1991, c. 780, Pt. DDD, §14 (NEW).]

C. Provide for maximum flexibility within community action agencies for the use of Community Services Block Grant funds. [PL 1991, c. 780, Pt. DDD, §14 (NEW).]

[PL 1995, c. 502, Pt. D, §14 (AMD).]

#### SECTION HISTORY

PL 1991, c. 780, §DDD14 (NEW). PL 1995, c. 502, §D14 (AMD).

#### §5328. Confidentiality of records

**1. Confidentiality.** Records containing the following information are confidential and may not be considered public records for the purpose of Title 1, section 402, subsection 3:

A. Information acquired by a state agency, municipality, district, private corporation, copartnership, association, fuel vendor, private contractor, individual or an employee or agent of any of those persons or entities, providing services related to authorized programs of the division or programs administered by community action agencies, when that information was provided by the applicant for those services or by a 3rd person; and [PL 1995, c. 502, Pt. D, §14 (AMD).]

B. Statements of financial condition or information pertaining to financial condition submitted to any of the persons or entities set forth in paragraph A in connection with an application for services related to authorized programs of the division or programs administered by community action agencies. [PL 1995, c. 502, Pt. D, §14 (AMD).]

[PL 1995, c. 502, Pt. D, §14 (AMD).]

**2. Exceptions.** Notwithstanding subsection 1, a person or agency directly involved in the administration or auditing of authorized programs of the division or programs administered by community action agencies and an agency of the State with a legitimate reason to know must be given access to those records described in subsection 1.

[PL 1995, c. 502, Pt. D, §14 (AMD).]

**3. Waiver of protection.** Nothing in this section may be construed to limit in any way the right of any person whose interest is protected by this section to waive in writing the benefits of protection. [PL 1991, c. 780, Pt. DDD, §14 (NEW).]

**4. Reports to State Government or Federal Government.** Notwithstanding subsection 1, the division may make full and complete reports concerning its administration of authorized programs as may be required by the Federal Government, an agency or department of the Federal Government or the Legislature.

[PL 1995, c. 502, Pt. D, §14 (AMD).]

#### SECTION HISTORY

PL 1991, c. 780, §DDD14 (NEW). PL 1995, c. 502, §D14 (AMD).

#### §5329. Rules

The division shall adopt rules to carry out the requirements of this chapter. [PL 1995, c. 502, Pt. D, §14 (AMD).]

#### SECTION HISTORY

PL 1991, c. 780, §DDD14 (NEW). PL 1995, c. 502, §D14 (AMD).

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