

# MAINE STATE LEGISLATURE

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HUMAN RESOURCES

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STATE OF MAINE  
SENATE  
116TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 655, L.D. 1824, Bill, "An Act to Strengthen the Coordinated Delivery of Substance Abuse Services in the State"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 5 MRSA §20065, sub-§4, ¶A, as enacted by PL 1993, c. 410, Pt. LL, §12, is amended to read:

A. The terms of the 8 5 public members appointed under subsection 3, paragraph J are staggered. Of the initial appointees under that paragraph, 3 2 are appointed for terms of 3 years, 3 2 for terms of 2 years and 2 one for terms a term of one year. Thereafter, all appointments are for terms of 3 years, except that a member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term. Members hold office until the appointment and confirmation of their successors. A public member may not be appointed for more than 2 consecutive, 3-year terms.

Sec. 2. 5 MRSA §20065, sub-§4, ¶C, as enacted by PL 1993, c. 410, Pt. LL, §12, is repealed.

Sec. 3. PL 1993, c. 410, Pt. LL, §14 is amended to read:

COMMITTEE AMENDMENT

**Sec. LL-14. Consolidation of substance abuse services programs.**

All substance abuse services and programs currently in existence throughout State Government, including but not limited to programs implemented by the Department of Education, the Department of Corrections and the Department of Mental Health and Mental Retardation are consolidated within the Office of Substance Abuse in accordance with the plan required in section 15 unless prohibited by federal law.

**Sec. 4. PL 1993, c. 410, Pt. LL, §19** is amended to read:

**Sec. LL-19. Policy continuity.** It is the responsibility of the Office of Substance Abuse to ensure the continuity of the programs and policies transferred to it from the Department of Education by this Act. In order to fulfill that responsibility, the Office of Substance Abuse shall:

1. Establish a separate division for substance abuse prevention and education to oversee the transferred programs and policies;

2. Enter into a memorandum of agreement with the Department of Education establishing a plan, not inconsistent with this Act, that specifies how continuity of services and policy initiatives will be maintained and identifies how program and staff resources will be shared;

3. Utilize the Interdepartmental Council, established in the Maine Revised Statutes, Title 34-B, section 1214, as a mechanism to identify ongoing policy and service issues or problems and to resolve interdepartmental disputes; and

4. Adopt policies to ensure that for fiscal year 1993-94 and for fiscal year 1994-95 the percentage of allocation of expenditures for prevention activities, education activities and treatment activities is maintained at the same level as in fiscal year 1992-93; and

5. Enter into a memorandum of agreement with the Department of Public Safety and the Maine National Guard that describes how the substance abuse activities of those agencies will be coordinated with the Office of Substance Abuse.

The Office of Substance Abuse shall report to the Joint Standing Committee on Human Resources by March 1, 1994 concerning the implementation of this section.

**Sec. 5. Transition.** Employees of the Division of Instruction within the Department of Education whose positions are transferred to the Office of Substance Abuse under this Act

retain their positions within the Office of Substance Abuse and their employee rights, privileges and benefits, including sick leave and vacation. All personnel transferred to the Office of Substance Abuse retain all applicable seniority rights and privileges with regard to employment in the Department of Education subject to agreement by the parties in collective bargaining. The Bureau of Human Resources within the Department of Administrative and Financial Services shall assist with the orderly implementation of this section.

**Sec. 6. Report on request-for-proposal system.** By March 1, 1995, the Substance Abuse Services Commission shall submit a report, along with any recommended legislation, to the Joint Standing Committee on Human Resources regarding the experience of the Office of Substance Abuse with awarding and renewing new and existing service contracts through a request-for-proposal system. In the report the commission shall address, but is not limited to, the following issues:

1. Whether the request-for-proposal system should be linked to performance-based contracting in any way;

2. Whether, given other mechanisms in the contracting process, the request-for-proposal system represents undue regulation or duplication of effort;

3. Whether the request-for-proposal system has a negative or positive impact on providers;

4. Whether the request-for-proposal system has a negative or positive impact on consumers; and

5. Whether the request-for-proposal system has a negative or positive impact on the Office of Substance Abuse and whether the office has the resources required to implement effectively the request-for-proposal system.

**Sec. 7. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1994-95

**CORRECTIONS, DEPARTMENT OF**

**Correctional Services**

All Other (\$150,000)

Provides for the deappropriation of funds through a transfer of substance abuse funds

R. 4. 5

COMMITTEE AMENDMENT "A" to S.P. 655, L.D. 1824

2 to the Office of Substance Abuse within the  
Executive Department.

4 DEPARTMENT OF CORRECTIONS  
TOTAL (\$150,000)

6 EXECUTIVE DEPARTMENT

8 Office of Substance Abuse

10 All Other \$150,000

12 Provides for the appropriation of funds  
14 through a transfer of substance abuse funds  
16 from the Department of Corrections.

18 EXECUTIVE DEPARTMENT  
TOTAL \$150,000

20 TOTAL APPROPRIATIONS -\$0-

22 Sec. 8. Allocation. The following funds are allocated from the  
24 Federal Expenditure Fund to carry out the purposes of this Act.

1994-95

26 EDUCATION, DEPARTMENT OF

28 Division of Instruction

30 Positions (-5.0)  
32 Personal Services (\$264,984)  
34 All Other (2,482,838)

36 Provides for the deallocation of funds for  
the purpose of consolidating substance abuse  
38 services and programs. From the Drug Free  
Schools Account one Education Specialist III  
40 position, 2 Education Specialist II  
positions, one Library Assistant position  
42 and All Other funds totalling \$2,415,321 are  
transferred to the Office of Substance  
44 Abuse. From the Student Assistance Team  
Account one Clerk Steno II position and All  
46 Other funds totalling \$67,517 are also  
transferred to the Office of Substance  
48 Abuse. In addition, one Clerk Typist III  
position is internally transferred from the

Student Assistance Team Account to the Drug Free Schools Account.

**DEPARTMENT OF EDUCATION  
TOTAL**

(\$2,747,822)

**EXECUTIVE DEPARTMENT**

**Office of Substance Abuse**

Positions	(5.0)
Personal Services	\$264,984
All Other	2,482,838

Provides for the allocation of funds through the transfer of one Education Specialist III position, 2 Education Specialist II positions, one Clerk Steno II position, one Library Assistant position and related All Other funds from the Department of Education, Division of Instruction for the purpose of consolidating all substance abuse services and programs.

**EXECUTIVE DEPARTMENT  
TOTAL**

\$2,747,822

**TOTAL ALLOCATIONS**

-\$0-

**Sec. 9. Retroactivity.** Those sections of this Act that amend Public Law 1993, chapter 410, Part LL, sections 14 and 19 apply retroactively to June 30, 1993.'

Further amend the bill by inserting at the end before the statement of fact the following:

**FISCAL NOTE**

This bill provides for a General Fund transfer of \$150,000 from the Department of Corrections to the Office of Substance Abuse and a Federal Expenditure Fund transfer of \$2,747,822 from the Department of Education to the Office of Substance Abuse in fiscal year 1994-95 in order to consolidate funding for these programs within the Office of Substance Abuse.

The additional costs relating to the Substance Abuse Services Commission reporting requirement can be absorbed by the office utilizing existing budgeted resources.'

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**STATEMENT OF FACT**

6 This amendment is the majority report of the Joint Standing  
Committee on Human Resources. It differs from the original bill  
as follows.

8  
10 1. The original bill added the Department of Public Safety  
and the Maine National Guard to the list of agencies and  
12 departments whose substance abuse programs would be consolidated  
within the Office of Substance Abuse. The amendment instead  
14 requires the Office of Substance Abuse to enter into an  
interdepartmental memorandum of agreement with those agencies.

16 2. The amendment corrects the fund and employee transfers  
being made from the Department of Education to the Office of  
18 Substance Abuse and adds transitional language regarding the  
employees who are transferred.

20 3. The amendment corrects the amount of funds transferred  
22 from the Department of Corrections to the Office of Substance  
Abuse.

24 4. The amendment corrects technical errors made when the  
26 composition of the Substance Abuse Services Commission was  
changed in Public Law 1993, chapter 410.

28 5. The amendment requires the Substance Abuse Services  
30 Commission to submit a report to the Legislature regarding the  
request-for-proposal system that is used to award and renew new  
32 and existing contracts from the Office of Substance Abuse.

34 6. The amendment adds a fiscal note to the bill.