

# MAINE STATE LEGISLATURE

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Date: 6/7/19

(Filing No. S-240)

**HEALTH AND HUMAN SERVICES**

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**STATE OF MAINE**

**SENATE**

**129TH LEGISLATURE**

**FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 472, L.D. 1523, Bill, "An Act To Ensure the Quality of and Increase Access to Recovery Residences"

Amend the bill by striking out everything after the enacting clause and inserting the following:

**Sec. 1. 5 MRSA §20001**, as amended by PL 2017, c. 407, Pt. A, §10, is further amended to read:

**§20001. Title**

This chapter may be known and cited as the "Maine Substance Use Disorder Prevention and Treatment and Recovery Act."

**Sec. 2. 5 MRSA §20002, sub-§1**, as amended by PL 2017, c. 407, Pt. A, §11, is further amended to read:

**1. Integrated and comprehensive approach.** To adopt an integrated approach to the problem of substance use disorder and to focus all the varied resources of the State on developing a comprehensive and effective range of substance use disorder prevention and treatment and recovery activities and services;

**Sec. 3. 5 MRSA §20002, sub-§2**, as amended by PL 2017, c. 407, Pt. A, §12, is further amended to read:

**2. Coordination of activities and services.** To establish within the Department of Health and Human Services the responsibility for planning, developing, implementing, coordinating and evaluating all of the State's substance use disorder prevention and treatment and recovery activities and services;

**Sec. 4. 5 MRSA §20003, sub-§17-B** is enacted to read:

**17-B. Person recovering from substance use disorder.** "Person recovering from substance use disorder" means a person with substance use disorder who is engaged in a process attempting to improve the person's health and wellness, live a self-directed life and reach the person's full potential.

**COMMITTEE AMENDMENT**

1           **Sec. 5. 5 MRSA §20003, sub-§19-A**, as enacted by PL 2017, c. 460, Pt. G, §4, is  
2 amended to read:

3           **19-A. Recovery support services.** "Recovery support services" means services that  
4 recognize recovery is a process of change through which individuals improve their health  
5 and wellness, live self-directed lives and strive to reach their full potential, including, but  
6 not limited to, safe housing, transportation, peer mentoring and coaching and assistance  
7 with and access to employment services. "Recovery support services" may include  
8 services provided in an integrated medication-assisted treatment setting or, in a separate  
9 facility that is staffed by individuals in recovery and that provides services such as  
10 mentoring, education and resource provision or in a recovery residence.

11           **Sec. 6. 5 MRSA §20003, sub-§§19-C and 19-D** are enacted to read:

12           **19-C. Recovery.** "Recovery," as it pertains to substance use disorder, means a  
13 process of change through which individuals improve their health and wellness, live self-  
14 directed lives and strive to reach their full potential.

15           **19-D. Recovery residence.** "Recovery residence" means a shared living residence  
16 for persons recovering from substance use disorder that is focused on peer support,  
17 provides to its residents an environment free of alcohol and illegal drugs and assists its  
18 residents by connecting the residents to support services or resources in the community  
19 that are available to persons recovering from substance use disorder.

20           **Sec. 7. 5 MRSA §20005, sub-§1**, as amended by PL 2017, c. 407, Pt. A, §25, is  
21 further amended to read:

22           **1. State Government.** Establish the overall plans, policies, objectives and priorities  
23 for all state substance use disorder prevention ~~and~~, treatment and recovery functions,  
24 except the prevention of drug traffic and the State Employee Assistance Program  
25 established pursuant to Title 22, chapter 254-A;

26           **Sec. 8. 5 MRSA §20005, sub-§5**, as amended by PL 2017, c. 407, Pt. A, §25, is  
27 further amended to read:

28           **5. Budget.** Develop and submit to the Legislature by January 15th of the first year  
29 of each legislative biennium recommendations for continuing and supplemental  
30 allocations, deappropriations or reduced allocations and appropriations from all funding  
31 sources for all state substance use disorder programs. The department shall make final  
32 recommendations to the Governor before any substance use disorder funds are  
33 appropriated or deappropriated in the Governor's proposed budget. The department shall  
34 formulate all budgetary recommendations for the Driver Education and Evaluation  
35 Programs with the advice, consultation and full participation of the chief executive officer  
36 of the Driver Education and Evaluation Programs.

37 Notwithstanding any other provision of law, funding appropriated and allocated by the  
38 Legislature for the department for substance use disorder prevention ~~and~~, treatment and  
39 recovery is restricted solely to that use and may not be used for other expenses of the  
40 department. By January 15th of each year, the commissioner or the commissioner's  
41 designee shall deliver a report of the budget and expenditures of the department for  
42 substance use disorder prevention ~~and~~, treatment and recovery to the joint standing

1 committees of the Legislature having jurisdiction over appropriations and financial affairs  
2 and human resource matters;

3 **Sec. 9. 5 MRSA §20005, sub-§12**, as amended by PL 2017, c. 407, Pt. A, §25, is  
4 further amended to read:

5 **12. Rules.** Adopt rules, in accordance with the Maine Administrative Procedure Act,  
6 necessary to carry out the purposes of this chapter and approve any rules adopted by state  
7 agencies for the purpose of implementing substance use disorder prevention ~~and~~ treatment  
8 and recovery programs.

9 All state agencies must comply with rules adopted by the department regarding uniform  
10 alcohol and other drug use contracting requirements, formats, schedules, data collection  
11 and reporting requirements;

12 **Sec. 10. 5 MRSA §20005, sub-§20**, as amended by PL 2005, c. 674, §1, is  
13 further amended to read:

14 **20. Review policies.** Review the full range of public policies and strategies existing  
15 in State Government to identify changes that would strengthen its response, identify  
16 policies that might discourage excessive consumption of alcohol and other drugs and  
17 generate new funding for alcohol and other drug services; ~~and~~

18 **Sec. 11. 5 MRSA §20005, sub-§21**, as enacted by PL 2005, c. 674, §2, is  
19 amended to read:

20 **21. List of banned performance-enhancing substances.** Develop and maintain a  
21 list of banned performance-enhancing substances in accordance with Title 20-A, section  
22 6621-; ~~and~~

23 **Sec. 12. 5 MRSA §20005, sub-§22** is enacted to read:

24 **22. Certification of recovery residences.** Establish by rule criteria for the  
25 certification of recovery residences. The criteria for the certification of recovery  
26 residences must be based on criteria for recovery residences developed by a nationally  
27 recognized organization that supports persons recovering from substance use disorder.  
28 Certification of a recovery residence pursuant to this subsection is voluntary. Rules  
29 adopted pursuant to this subsection are routine technical rules as defined in chapter 375,  
30 subchapter 2-A.

31 **Sec. 13. 5 MRSA §20006-A, sub-§1**, as amended by PL 2017, c. 407, Pt. A, §28,  
32 is further amended to read:

33 **1. Alternatives.** Propose alternatives to current substance use disorder prevention  
34 ~~and~~ treatment and recovery programs and services;

35 **Sec. 14. 5 MRSA §20006-A, sub-§2**, as amended by PL 2017, c. 407, Pt. A, §29,  
36 is further amended to read:

37 **2. Investigate.** Conduct investigations and studies of any substance use disorder  
38 prevention, treatment and recovery program or community service provider operating  
39 under the control of the department or providing treatment under this chapter through a  
40 contract with the department under section 20008 that are licensed pursuant to section

1 20024 or any facility funded in whole or in part by municipal, state or local funds, as  
2 necessary; and

3 **Sec. 15. 5 MRSA §20009, first ¶**, as amended by PL 2017, c. 407, Pt. A, §32, is  
4 further amended to read:

5 The department shall plan substance use disorder prevention ~~and~~, treatment and  
6 recovery activities in the State and prepare and submit to the Legislature the following  
7 documents:

8 **Sec. 16. 22 MRSA §3739, sub-§2, ¶G**, as amended by PL 2017, c. 407, Pt. A,  
9 §79, is further amended to read:

10 G. One employee of the organizational unit of the department that provides programs  
11 and services for substance use disorder prevention ~~and~~, treatment and recovery,  
12 appointed by the commissioner;

13 **Sec. 17. 22-A MRSA §203, sub-§1, ¶F**, as amended by PL 2017, c. 407, Pt. A,  
14 §90, is further amended to read:

15 F. Substance use disorder prevention ~~and~~, treatment and recovery services.

16 **Sec. 18. 22-A MRSA §206, sub-§8**, as amended by PL 2017, c. 407, Pt. A, §91,  
17 is further amended to read:

18 **8. Substance use disorder prevention, treatment and recovery.** The  
19 commissioner shall administer and carry out the purposes of the Maine Substance Use  
20 Disorder Prevention ~~and~~, Treatment and Recovery Act.

21 **Sec. 19. Maine Revised Statutes headnote amended; revision clause.** In  
22 the Maine Revised Statutes, Title 5, Part 25, in the Part headnote, the words "substance  
23 use disorder prevention and treatment" are amended to read "substance use disorder  
24 prevention, treatment and recovery" and the Revisor of Statutes shall implement this  
25 revision when updating, publishing or republishing the statutes.

26 **Sec. 20. Maine Revised Statutes headnote amended; revision clause.** In  
27 the Maine Revised Statutes, Title 5, chapter 521, in the chapter headnote, the words  
28 "substance use disorder prevention and treatment" are amended to read "substance use  
29 disorder prevention, treatment and recovery" and the Revisor of Statutes shall implement  
30 this revision when updating, publishing or republishing the statutes.

31 **Sec. 21. Rental subsidies for certified recovery residences.** The Maine State  
32 Housing Authority shall develop a pilot project to provide a short-term rental subsidy for  
33 a person recovering from substance use disorder, as defined in the Maine Revised  
34 Statutes, Title 5, section 20003, subsection 17-B, to reside in a recovery residence, as  
35 defined in Title 5, section 20003, subsection 19-D, certified pursuant to Title 5, section  
36 20005, subsection 22 and that allows medication-assisted treatment. The Maine State  
37 Housing Authority may adopt rules to implement this section. Rules adopted pursuant to  
38 this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

39 **Sec. 22. Appropriations and allocations.** The following appropriations and  
40 allocations are made.

41 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

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**Office of Substance Abuse and Mental Health Services Z199**

Initiative: Provides funding for a contract with a third party to certify substance use disorder recovery residences.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$150,000	\$150,000
<b>GENERAL FUND TOTAL</b>	<u>\$150,000</u>	<u>\$150,000</u>

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

**SUMMARY**

This amendment, which is the unanimous report of the committee, amends the bill as follows.

1. It makes the definition of "recovery" consistent with the definition of "recovery support services."
2. It allows for a short-term rental subsidy to be provided for a person in recovery so that the rental subsidy may be provided to an administrator of the recovery residence not only the person in recovery directly.
3. It removes the requirement that recovery residences provide medication-assisted treatment as a condition of receiving a short-term rental subsidy and instead requires that the recovery residences must permit medication-assisted treatment.
4. It makes the Maine State Housing Authority's rule-making authority permissive with respect to providing a short-term rental subsidy for a person in recovery.
5. It removes the appropriations and allocations section so that the short-term rental subsidy can be provided within existing budgeted resources.
6. It removes certain provisions that add "recovery" to "substance use disorder prevention and treatment" that have substantive implications beyond the scope of this legislation.
7. It adds an appropriations and allocations section.

**FISCAL NOTE REQUIRED**

(See attached)



# 129th MAINE LEGISLATURE

LD 1523

LR 1030(02)

## An Act To Ensure the Quality of and Increase Access to Recovery Residences

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-240)

Committee: Health and Human Services

Fiscal Note Required: Yes

### Fiscal Note

	FY 2019-20	FY 2020-21	Projections FY 2021-22	Projections FY 2022-23
<b>Net Cost (Savings)</b>				
General Fund	\$150,000	\$150,000	\$150,000	\$150,000
<b>Appropriations/Allocations</b>				
General Fund	\$150,000	\$150,000	\$150,000	\$150,000

#### Fiscal Detail and Notes

The bill includes ongoing General Fund appropriations to the Department of Health and Human Services of \$150,000 beginning in fiscal year 2019-20 for a contract with a third party to certify substance use disorder recovery residences.

Additional costs to the Maine State Housing Authority to develop the required pilot project to provide a short-term rental subsidy for a person recovering from a substance abuse disorder can be absorbed within existing budgeted resources.