

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 665

S. P. 230

In Senate, February 7, 1973

Referred to Committee on State Government. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Tanous of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT to Reestablish the Maine Commission on Drug Abuse.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., T. 5, § 3361, repealed and replaced. Section 3361 of Title 5 of the Revised Statutes, as enacted by chapter 379 of the public laws of 1971, is repealed and the following enacted in place thereof:

§ 3361. Declaration of policy

The Legislature declares that it is the policy of the State to confront the serious problem of drug abuse with the immediate objective of reducing the incidence of drug abuse and its related problems.

It is also the judgment of the Legislature that, in order to efficiently and successfully direct preventive, educational, treatment and rehabilitative drug programs, it is necessary to establish a single administrative unit concerned solely with the creation and administration of such programs.

The Legislature further believes that the most effective attack on drug abuse involves the complete coordination of activities, except those of a law enforcement prevention function, among all state, local, governmental and private agencies which have some responsibility for, or involvement with, some aspect of the drug problem.

Sec. 2. R. S., T. 5, § 3361-A, additional. Title 5 of the Revised Statutes, as enacted by chapter 379 of the public laws of 1971, is amended by adding a new section 3361-A, to read as follows:

§ 3361-A. Law enforcement prevention function defined

The term "law enforcement prevention function," as used in this chapter, means any of the following law enforcement activities or proceedings:

1. Investigation, arrest, prosecution. The investigation, arrest and prosecution of drug offenders and offenses; or
2. Detection and suppression. The detection and suppression of illicit drug supplies.

Sec. 3. R. S., T. 5, § 3362, repealed and replaced. Section 3362 of Title 5 of the Revised Statutes, as enacted by chapter 379 of the public laws of 1971, is repealed and the following enacted in place thereof:

§ 3362. Commission

In order to accomplish the goals and policy set forth in section 3361, there is created and established in the Department of Health and Welfare a single state commission, to be known as the "Maine Commission on Drug Abuse."

The Commission on Drug Abuse shall consist of the following 14 members:

- The Commissioner of Health and Welfare,
- The Commissioner of Mental Health and Corrections,
- The Commissioner of Educational and Cultural Services,
- The Commissioner of the Department of Public Safety,
- The Attorney General,
- The State Youth Coordinator,
- The executive director of the Maine Commission on Drug Abuse,
- One member of the Senate to be appointed by the President of the Senate,
- One member of the House of Representatives to be appointed by the Speaker of the House,
- The Chairman of the Board of Commissioners of the Profession of Pharmacy,
- The President of the Maine Medical Association, and

Four citizens who represent different geographical areas of Maine and who have demonstrated a concern for the prevention and treatment of drug abuse and drug dependence. Such citizens shall be appointed by and serve at the pleasure of the Commissioner of Health and Welfare. Not more than 2, nor less than one of the citizen members shall be between the ages of 16 and 21 and all citizen members shall be eligible for reappointment.

Each appointed member shall serve a term of 2 years, subject to a single reappointment. Any vacancy occurring in any appointed position prior to the regular expiration of the term shall be filled by appointment by the Commissioner of Health and Welfare for the remainder of the unexpired term.

The commission shall function as the state advisory council as required by federal law.

Sec. 4. R. S., T. 5, § 3363, repealed and replaced. Section 3363 of Title 5 of the Revised Statutes, as enacted by chapter 379 of the public laws of 1971, is repealed and the following enacted in place thereof:

§ 3363. Quorum; officers; meetings; compensation

A majority of the commission members shall constitute a quorum for the purpose of conducting the business of the commission and exercising all the powers of the commission. Any member shall have the right to designate another person to act in his place and such designee shall be counted in any determination of the quorum. A vote of the majority of the members or designees present shall be sufficient for all actions of the commission.

The Commissioner of Health and Welfare shall appoint the chairman of the Commission on Drug Abuse from among its members to serve at the pleasure of said commissioner. The commission members may elect such other officers from its membership as it deems necessary. Meetings shall be held at the call of the chairman or at the call of more than $\frac{1}{2}$ of the membership. The commission shall meet at least 6 times a year and minutes of all meetings, including a list of those in attendance, shall be taken. Members of the commission shall serve without compensation, but they may be reimbursed for actual and necessary expenses on the same basis as employees of state administrative departments.

Sec. 5. R. S., T. 5, § 3363-A, additional. Title 5 of the Revised Statutes, as enacted by chapter 379 of the public laws of 1971, is amended by adding a new section 3363-A, to read as follows:

§ 3363-A. Executive Director

The Maine Commission on Drug Abuse shall be administered by an executive director, who shall be appointed by and serve at the pleasure of the Commissioner of Health and Welfare. The executive director shall be a person whose training and experience has dealt specifically with drug use and abuse. He shall, with the approval of the commission, perform all duties, exercise all powers and assume and discharge all responsibilities vested by law in the commission, except as otherwise expressly provided by statute. The executive director may, with the approval of the commission, and within the limits of funds available, employ, set compensation and prescribe the duties of whatever competent professional personnel and other staff is necessary to effectuate the purposes of this chapter. The executive director may delegate to any officer or employee of the commission any of the powers or duties given to the executive director by statute or by the rules, regulations and procedures adopted pursuant to this chapter.

The salary of the executive director will be set by the Commissioner of Health and Welfare.

Sec. 6. R. S., T. 5, § 3364, repealed. Section 3364 of Title 5 of the Revised Statutes, as enacted by chapter 379 of the public laws of 1971, is repealed.

Sec. 7. R. S., T. 5, § 3365, repealed and replaced. Section 3365 of Title 5 of the Revised Statutes, as enacted by chapter 379 of the public laws of 1971, is repealed and the following enacted in place thereof:

§ 3365. Powers and duties

Powers and duties.

1. The commission shall have the powers and duties to:

A. Establish and maintain a principal office, and such other offices within the state as it may deem necessary;

B. Adopt, amend and rescind rules and regulations to carry out the powers and duties of the commission; such adoption, amendment and rescission to be made in the manner as is provided in the Administrative Code, Title 5, chapters 301 to 307;

C. Coordinate state efforts to obtain federal funds for drug abuse programs and be authorized to accept and administer for the State any loans, gifts, grants or other funds appropriated under federal law and any funds appropriated from all other sources, public or private, for the purpose of carrying out any of the provisions of this chapter;

D. Make available to the Legislature commission findings and advice on proposed drug legislation;

E. Contract, within the limits of funds available, with individuals, organizations or institutions whose services are necessary in the carrying out of any of the commission's responsibilities;

F. Request and receive from any department, commission or agency of the State such assistance and data as will enable the commission to properly carry out its powers and duties;

G. Exercise such other powers, and make and sign such other agreements as are necessary to carry out the work of the commission and the purposes of this chapter;

H. Develop, coordinate, encourage and assist, to the extent made possible by funding, all state and local government programs and services, except those of a law enforcement prevention function, the programs and services of other states and the Federal Government and the programs and services of public and private non-profit agencies, institutions and organizations relating to drug-abuse prevention, education, control, treatment and rehabilitation;

I. Develop objective devices or methodologies for the evaluation of all drug abuse prevention functions, except those of a law enforcement prevention function, within the State;

J. Conduct a detailed survey of state and local problems and needs for prevention and treatment of drug abuse and drug dependence, including, but not limited to a survey of health facilities needed to provide services

for drug abuse and drug dependence, and the development of techniques for the assessment of an unduplicated count of chronic drug abusers, and make legislative recommendations based on said survey;

K. Stimulate more effective use of existing resources and services to the end that the effort to control drug abuse shall be efficiently administered;

L. Disseminate information relating to public and private services and facilities in the state available for the assistance of drug abusers;

M. Review all requests for appropriations or program grants, except those of a law enforcement prevention function, relating to drug abuse made by state agencies and advise the Commissioner of Health and Welfare, the Budget Bureau and the Legislature of its findings and recommendations;

N. Make an annual report to the Governor and the Legislature as to the work and accomplishments of the commission; and

O. Prepare and administer, in accordance with federal law, a comprehensive state plan for coordinating all drug abuse prevention and control functions.

Sec. 8. R. S., T. 5, § 3366, repealed. Section 3366 of Title 5 of the Revised Statutes, as enacted by chapter 379 of the public laws of 1971, is repealed.

STATEMENT OF FACT

The Maine Commission on Drug Abuse was created by the Maine Legislature in March 1971. Prior to the creation of the Maine Commission on Drug Abuse, the Governor's Interagency Council on Drug Abuse functioned as the State agency primarily responsible for coordinating state drug abuse efforts. Despite severe financial restraints in its 18 months of existence, the Maine Commission on Drug Abuse has made significant progress in the recognition of Maine's drug abuse problem and the construction of a coordinated strategy for solving this problem. However, in order to qualify for federal financial assistance and to more effectively carry on the war against drug abuse it is deemed necessary to reorganize the Maine Commission on Drug Abuse, clarifying its functions and powers; providing for permanent staff; and requiring the development of a comprehensive drug abuse prevention and treatment plan for the State of Maine.