

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1743

S. P. 562

In Senate, April 3, 1973

On motion of Senator Speers of Kennebec, referred to Committee on State Government. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Brennan of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Establishing Drug Abuse Treatment Facilities.

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

Sec. 1. R. S., T. 34, c. 2, additional. Title 34 of the Revised Statutes is amended by adding a new chapter 2 to read as follows:

CHAPTER 2

DRUG ABUSE TREATMENT FACILITIES

§ 21. Establishment of Division of Drug Abuse Treatment

There shall be established within the Department of Mental Health and Corrections a division of drug abuse treatment. The division shall be headed by a director appointed by the commissioner. The director shall be a qualified professional who has training and experience in handling drug abuse problems or the organization or administration of treatment services for drug abusers.

§ 22. Definitions

For the purpose of this chapter, unless the context otherwise indicates, the following words shall have the following meanings:

1. Approved treatment facility. "Approved treatment facility" means a public or private nonprofit agency meeting the standards promulgated by the division pursuant to this chapter.

2. Commissioner. "Commissioner" means the Commissioner of Mental Health and Corrections.

3. Department. "Department" means the Department of Mental Health and Corrections.

4. Director. "Director" means the Director of the Division of Drug Abuse Treatment.

5. Division. "Division" means Division of Drug Abuse Treatment.

6. Drug abuser. "Drug abuser" means a person who uses any drugs or hallucinogens in violation of any law of the State of Maine.

§ 23. Powers of division

The division may :

1. Plan, establish and maintain treatment programs as necessary and desirable;

2. Make contracts necessary or incidental to the performance of its duties and the execution of its powers, including contracts with public and private agencies, organizations and individuals to pay them for services rendered or furnished to persons who abuse drugs;

3. Solicit and accept for use any gift of money or property made by will or otherwise, and any grant of money, services, or property from the Federal Government, the State or any political subdivision thereof, or any private source, and do all things necessary to cooperate with the Federal Government or any of its agencies in making an application for any grant;

4. Administer or supervise the administration of the provisions relating to drug abusers of any state plan submitted for federal funding pursuant to federal legislation;

5. Keep records and engage in research and the gathering of relevant statistics;

6. Do other acts and things necessary or convenient to execute the authority expressly granted to it.

§ 24. The Division shall :

1. Establish standards for all residential drug abuse treatment centers, whether or not such centers have a contractual relationship with the said division;

2. Periodically enter and inspect and examine the treatment facilities, and their books and accounts; and fix the fees required by the division for required inspection;

3. Enter into contracts with private nonprofit and public agencies to provide facilities for the treatment and rehabilitation of drug abusers;

4. Award contracts only to those facilities that meet standards promulgated pursuant to subsection 1.

§ 25. Interdepartmental coordinating committee

An interdepartmental coordinating committee is established, composed of the Commissioner of Mental Health and Corrections, the Director of the Commission on Drug Abuse, the Commissioner of Health and Welfare, the Commissioner of Public Safety and the director. The committee shall meet at least twice annually at the call of the commissioner who shall be its chairman. The committee shall provide for the coordination of, and exchange of information on, all programs relating to drug abuse, and shall as a permanent liaison among the departments engaged in activities affecting drug abusers. The committee shall assist the commissioner and director in formulating a comprehensive plan for prevention of drug abuse and for treatment of drug abusers.

Sec. 2. R. S., T. 34, § 1631, sub-§ 5, additional. Section 1631 of Title 34 of the Revised Statutes, as amended, is further amended by adding a new subsection 5, to read as follows:

5. Sentence to drug abuse treatment facility. In a case relating to the possession or sale of not more than one ounce of any drug or hallucinogens, possession or sale of which is controlled or prohibited by any law of this State, the court may continue a case for sentence for not more than 2 years, and while the case is continued for sentence, place the respondent on probation; or impose sentence and place the respondent on probation and impose as a condition of such probation, in either case, that any person so adjudicated reside at and attend any program at a drug abuse treatment facility having a contractual relationship with the Division of Drug Abuse Treatment.

Sec. 3. Appropriation. There is appropriated to the Department of Mental Health and Corrections from the General Fund the sum of \$120,000 to carry out the purposes of this Act. The breakdown shall be as follows:

	1973-74	1974-75
MENTAL HEALTH AND CORRECTIONS, DEPARTMENT OF		
Division of Drug Abuse Treatment		
All Other	\$60,000	\$60,000

STATEMENT OF FACT

At the present time Maine judges have no choice but to sentence convicted drug dependent persons to imprisonment or to allow them probation. The first alternative puts drug abusers into an environment with persons convicted of serious or violent crimes, and evidently does little to make them less drug dependent. The 2nd alternative does little to remove the drug user from the environment in which he developed dependence in the first place. With the phenomenon of drug dependence a growing menace among Maine's youth, a 3rd alternative is urgently needed. This Act would provide a fee for service mechanism to provide facilities in which such a person could be institutionalized and rehabilitated. In this way recidivism should be reduced, and hopefully, the lives of many drug-dependent young people salvaged.