

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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H.P. 856

House of Representatives, April 13, 1989

Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24.

Reference to the Committee on Education suggested and ordered printed.

Ed Pert

EDWIN H. PERT, Clerk

Presented by Representative RICHARDS of Hampden.

Cosponsored by Senator GILL of Cumberland, Representative FOSS of Yarmouth and Senator PEARSON of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Create a Coalition Drug Education Program.

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

3 **Sec. 1. 5 MRSA §12004-I, sub-§9-A is enacted to read:**

5 9-A. Edu- Drug-free School Expenses 20-A MRSA
7 cation Advisory Committee Only §6615

9 **Sec. 2. 20-A MRSA, c. 222, sub-c. VII-A is enacted to read:**

11 **SUBCHAPTER VII-A**

13 **COALITION DRUG EDUCATION**

15 **§6611. Short title**

17 This subchapter may be known and may be cited as the
Coalition Drug Education Act.

19 **§6612. Definitions**

21 As used in this subchapter, unless the context otherwise
23 indicates, the following terms have the following meanings.

25 1. Committee. "Committee" means the State Drug-free School
Advisory Committee as established in section 6615.

27 2. Division. "Division" means the Division of Alcohol and
Drug Education Services.

29 3. Drugs. "Drugs" include, but are not limited to:

31 A. Heroin, methadone, other opiates or synthetic opiates;
33 barbiturates, tranquilizers or other sedatives;
35 amphetamines; cocaine or cocaine derivatives; marijuana,
37 hashish, phencyclidine or other hallucinogens; inhalants;
and over-the-counter drugs. "Drugs" do not include those
properly prescribed and dispensed under Title 32;

39 B. Alcoholic beverages; and

41 C. Any other psychoactive or mind-altering substance that
may cause abuse of or dependency on that substance.

43 **§6613. Program established**

45 The Coalition Drug Education Program is established within
47 the Division of Alcohol and Drug Education Services. All funds
made available to the division for the purposes of this
49 subchapter shall be administered and disbursed by the division in
consultation with the State Drug-free School Advisory Committee
51 established in section 6615 and the Department of Human Services,
Alcohol and Drug Abuse Planning Committee.

1
3 1. Funds. The division, in consultation with the State
5 Drug-free School Advisory Committee, may allocate and award funds
7 to local law enforcement agencies and school administrative units
working jointly to develop drug and alcohol use prevention and
drug and alcohol trafficking suppression programs in compliance
with the policies and criteria set forth in this subchapter.

9 2. Application. The allocation and award of funds shall be
11 made upon joint application by a law enforcement agency and a
13 school administrative unit. The application shall be submitted
15 for review to the local drug-free school advisory committee under
17 section 6614, subsection 1, paragraph D. After review, the
application shall be submitted to the division. Funds disbursed
under this subchapter supplement funds that are available in the
absence of the drug-free school program to suppress and prevent
drug and alcohol trafficking to and use among school-age children.

19 3. Interagency agreements. The local law enforcement
21 agency and the school administrative unit shall enter into
23 interagency agreements that allow the management and fiscal
25 tasks, created pursuant to this subchapter and assigned to both
the law enforcement agency and the school administrative unit, to
be performed by only one of them.

27 4. Guidelines. Within 120 days of the effective date of
29 this subchapter, the division, in consultation with the State
31 Drug-free School Advisory Committee, shall prepare and issue
33 administrative guidelines and procedures for the Coalition Drug
35 Education Program consistent with this subchapter and the Maine
Administrative Procedure Act, Title 5, chapter 375. In addition
to all other formal requirements that may apply to the enactment
of these guidelines and procedures, a complete and final draft
shall be submitted within 90 days of the effective date of this
subchapter to the chairs of the joint standing committee having
jurisdiction over judicial matters.

37
39 5. Report. After a year of program operation, the division
41 shall prepare and submit an annual evaluation report to the
43 Legislature describing in detail the operation and the results of
45 the Coalition Drug Education Program. The report shall list the
47 costs of the division for processing and reviewing applications,
49 and of the state and local agencies for obtaining any additional
grants, from any source, to support the program. The purpose of
the program evaluation is to identify successful methods of
preventing drug and alcohol trafficking to and use among
school-age children. Evaluation reports shall be used to
replicate proven successful methods and identify, implement and
refine new methods.

1 §6614. Funding recipient responsibilities

3 Law enforcement agencies and school administrative units
5 receiving funds under this subchapter shall concentrate on
7 enhancing prevention and education efforts and resources for drug
and alcohol trafficking to and use among school-age children,
kindergarten through grade 7.

9 1. Prevention and education efforts. The enhanced
11 prevention and education efforts include, but are not limited to:

13 A. Drug and alcohol traffic intervention programs;

15 B. School and classroom-oriented programs using tested drug
17 and alcohol education curricula that provide in-depth and
19 accurate information on drugs and alcohol, including the
21 participation of local law enforcement agencies and
23 qualified drug and alcohol use prevention specialists, and
25 which are designed to increase teacher and student awareness
of drugs and alcohol and their effects;

27 C. Family-oriented programs aimed at preventing drug and
29 alcohol use, which may include the participation of
31 community-based organizations experienced in the successful
33 operation of these programs;

35 D. The establishment of a local drug-free school advisory
37 committee. The committee shall be established and appointed
39 by the division. The drug-free school advisory committee
41 may be newly created or an existing local drug and alcohol
43 use committee. The local drug-free school advisory
45 committee shall be composed, at a minimum, of the following:

47 (1) Local law enforcement executives;

49 (2) School administrative unit executives;

51 (3) School site staff, which includes administrators,
53 teachers or other credentialed personnel;

(4) Parents;

(5) Students;

(6) School truant officers;

(7) State, and local drug and alcohol program
 administrators; and

(8) Drug and alcohol prevention program directors or
 other executives;

55 E. Development and distribution of appropriate written and
57 audiovisual aids for training of school and law enforcement

1 staff in handling drug and alcohol-related problems and
2 offenses. Appropriate existing aids may be used in lieu of
3 the development of new materials;

4
5 F. Development of prevention and intervention programs for
6 elementary school teachers and students, including
7 utilization of existing prevention and intervention
8 programs; and

9
10 G. Development of a coordinated intervention system that
11 identifies students with chronic drug and alcohol abuse
12 problems and facilitates the students' referrals to drug and
13 alcohol abuse treatment programs.

14
15 2. Joint effort. An enhanced prevention and education
16 effort commenced under this subchapter shall be a joint effort
17 between local law enforcement agencies and local school
18 administrative units in cooperation with state and local drug and
19 alcohol program offices. These efforts shall include, but are
20 not limited to, the concentration of efforts in areas
21 cooperatively identified as problem areas by local school and law
22 enforcement authorities.

23
24 3. Other uses of funds. Funds appropriated pursuant to
25 this subchapter may be used, in part, to support state-level
26 development and statewide distribution of appropriate written and
27 audiovisual aids to increase public awareness and provide
28 training of school and law enforcement staff in handling drug and
29 alcohol-related problems and offenses. If existing aids are
30 identified, these aids may be used in lieu of the development of
31 new aids.

32
33 §6615. Committee established

34
35 1. State Drug-free School Advisory Committee established.
36 As authorized by Title 5, chapter 379, the State Drug-free School
37 Advisory Committee is established within the Department of
38 Educational and Cultural Services.

39
40 2. Membership. The State Drug-free School Advisory
41 Committee shall be composed of 14 members to include one police
42 chief, one sheriff, one district attorney, one attorney primarily
43 engaged in criminal defense, one representative of parent groups,
44 one representative of the Department of Human Services, Alcohol
45 and Drug Abuse Planning Committee, one local drug and alcohol
46 program administrator, a school truant officer and a
47 representative of community-based programs for the prevention of
48 drug and alcohol use, all of whom shall be appointed by the
49 Governor. In addition, the Attorney General shall designate one
50 member representing the Department of the Attorney General, and
51 the Commissioner of Educational and Cultural Services shall
designate 4 members consisting of one drug and alcohol prevention

1 specialist representing the Department of Human Services and 3
2 school-site personnel to include at least one school
3 superintendent. Staff services to the committee shall be
4 provided by the division. Committee members shall be reimbursed
5 for actual expenses involved in the conduct of committee
6 business. The committee shall review applications for grant
7 awards and recommend approval for those applications considered
8 appropriate and consistent with the guidelines and administrative
9 procedures established pursuant to this subchapter.

11 3. Voting. Each committee member shall be present to cast
12 a vote. An appointed member of the committee unable to attend
13 any meeting may designate a representative to attend meetings on
14 that member's behalf. That representative shall be accorded full
15 privilege to address the committee on any matter under
16 consideration but shall not have the right to vote on any motions
17 entertained by the committee.

19 4. Guidelines development. The committee shall develop
20 specific guidelines and administrative procedures for the
21 drug-free school program in accordance with the Maine
22 Administrative Procedure Act, Title 5, chapter 375.

23 These guidelines and administrative procedures shall set forth
24 the terms and conditions upon which the division shall offer
25 grants. The guidelines and administrative procedures do not
26 constitute rules, orders or standards of general application.

29 5. Application evaluation. Criteria for evaluating the
30 grant applications of law enforcement agencies and school
31 administrative units for drug-free school program funding shall
32 be developed by the committee.

33 6. Administration. Administration of the program and the
34 evaluation of monitoring grants made under this subchapter shall
35 be performed by the division.

37 7. Coordination. The division shall, to the extent
38 possible, coordinate the administration of the drug-free school
39 program with those of other state and federal agencies.

41 8. Use of funds limited. To maximize funds for program
42 support and implementation and to avoid duplication of services,
43 funds disbursed under this subchapter are subject to the
44 following limitations.

47 A. Funds may not be used for the acquisition of equipment.

49 B. Funds may not be used to purchase information on drugs
50 and alcohol.

